



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

HIGHLY MIGRATORY SPECIES ADVISORY PANEL

April 4, 2001

Silver Spring, Maryland

TAPE TRANSCRIPTION

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# C O N T E N T S

PAGE

Bluefin Tuna Target Catch Requirements for Long Line Vessels - Pat Sheeda	7
Protected Species Update - Bill Hogarth	78
Safe Report - Sonja Fordham	182
State Issues - Chris Rogers	195

16

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# P R O C E E D I N G S

18

MR. ROGERS: -- forms accepted by the hotel, just

19

go ahead, if you haven't already done so, and pay the tax and

20

we'll just claim it for reimbursement on your vouchers.

21

Wayne?

22

A PARTICIPANT: (Inaudible.)

23

MR. ROGERS: All right, well, it was a --

24

A PARTICIPANT: (Inaudible.)

25

MR. ROGERS: Nothing like standardized procedures,

26

right? Nothing like standardization of procedures. Yeah?

27

(Interruption to tape.)

28

MR. ROGERS: -- overheads he'll be presenting.

29

This is a subject matter we touched on briefly yesterday; I

30

wanted to get more into it this morning. This is with

1    respect to bluefin tuna target catch requirements for long  
2    line vessels. For those who are quite familiar with the  
3    situation back in the early 1980s, when we set up the first  
4    bluefin tuna allocation plan for the scientific monitoring  
5    program, the long line fishery was designated by the Service  
6    at that time, reflecting its historical nature as a bycatch  
7    fishery only.

8                We had several refinements to the regulations over  
9    the years to ensure that it was, and it's truly an incidental  
10   catch and didn't result in targeting bluefin, both in the  
11   Gulf of Mexico, which was the designated no catch zone, no  
12   directed fishing zone, by ICCAT; as well as off the East  
13   coast.

14               So a quota was established for the long line  
15   category; however, it was intended, always intended to be an  
16   incidental catch only.

17               We've had some increased concerns over the last  
18   couple of years that the long line category has not taken  
19   that quota, so to speak, in terms of landing it, because of  
20   the target catch requirements and that the discard, dead  
21   discard, rate was inordinately high and became a matter of  
22   concern for ICCAT such that the rebuilding program for

1 bluefin established a dead discard allowance, with some  
2 penalties for exceeding it.

3           So what we are seeking to do is, we had put out an  
4 advanced notice and proposed rule making, and we are seeking  
5 comment before going out with a formal proposed rule, on ways  
6 of modifying the target catch requirements to achieve that  
7 delicate balance.

8           As I said, we're not trying to instigate or insight  
9 a directed fishery by any means; we just want to achieve that  
10 balance where the long line category could take the quota  
11 allocated to it for incidental catches. And it's really a --  
12 we're trying to find a formula that would convert dead  
13 discards into landings within the context of the quotas.

14           So Pat will do a presentation and then we'll open  
15 it up for comment. We're going to have to get moving,  
16 because we're not going to get through it if -- we still want  
17 to be ready for when Bill arrives.

18           A PARTICIPANT: Do we need to dim the lights?

19           A PARTICIPANT: No.

20           MR. SHEEDA: We're okay? All right, good morning.

21           I'm going to give a brief presentation about the bluefin  
22 tuna target catch requirements (inaudible) and then we'll

1 take -- we'll present some alternatives and then discuss  
2 (inaudible). Hopefully we will get through it pretty  
3 quickly.

4 I'm going to give a brief regulatory history and  
5 some descriptions of current regulations. I'm going to  
6 present some bluefin tuna discard landing data for the last  
7 several years. We're going to -- we'll discuss some of the  
8 comments that we've received for the advanced notice of  
9 proposed rule making that Chris mentioned, that was published  
10 in November of last year. And we'll also discuss some  
11 possible alternatives for those rules.

12 Excuse the fancy thing there; I couldn't figure out  
13 how to turn it off, so --

14 Current regulations regarding bluefin tuna long  
15 line retention and discard: we have target catch  
16 requirements that vary by area, and the Northern area, North  
17 of 34 degrees, the bluefin landed can not exceed 2 percent,  
18 by weight, of all other fish landed on that trip. So for --  
19 to land a bluefin tuna of 200 pounds, you need 10,000 pounds  
20 of other fish landed.

21 So in the Southern area, the regulations are  
22 different. It's one bluefin per vessel per trip, with at

1    least 1,500 pounds of other fish landed between January and  
2    April, or 3,500 pounds May through December of other fish  
3    landed. The 34 degree line is pretty much the Southern  
4    boundary of North Carolina.

5                   And we also have an area in the mid Atlantic closed  
6    in June for pelagic long lining, to reduce discards of  
7    bluefin tuna. And that went into effect in 1999 with the HMS  
8    FMP.

9                   A PARTICIPANT: Pat, can I ask you a question o  
10   that slide?

11                  MR. SHEEDA: Sure.

12                  A PARTICIPANT: Can we go ahead and get  
13   clarification on Hammer's point last night that general  
14   counsel has said that that actually -- well, that may be the  
15   requirement in writing but that's not what actually is done  
16   legally? Could we -- I don't see an attorney here. Could we  
17   get one here? I want clarification from NOAH general counsel  
18   that they in writing have said that no one has to follow that  
19   law, that regulation.

20                  MR. SHEEDA: (Inaudible.) Maybe (inaudible).

21                  A PARTICIPANT: Because that's a relatively  
22   important point. Either 80 percent of the people are

1 breaking the law or they're not.

2 MR. SHEEDA: Right.

3 MR. ROGERS: All right, well, let me take a stab at  
4 it first, and then you can correct me if I'm wrong.

5 Yeah, there were some situations that normally  
6 occur in the operation of a fishery where people who may have  
7 curtailed a trip for whatever reason, engine trouble or  
8 medical reasons or something like that, or I guess weren't  
9 able to discern exactly what the rate ratios would be, just  
10 looking at the number of fish on board. And there was some,  
11 I guess you could say, discretion on the part of enforcement  
12 where it seemed that the trip was legitimately targeting  
13 other species and had a substantial quantity.

14 Obviously if you were going to apply the 2 percent  
15 rule to the letter, you'd have to wait for the weigh out and  
16 obtain all the weights of all the fish and apply the formula,  
17 which could take a significant amount of enforcement  
18 resources. So there was some discretion exercised on the  
19 part of enforcement officers in certain situations.

20 Sometimes it was up front where the vessel captain  
21 notified enforcement that a situation arose which would cause  
22 him to cut the trip short, they had a bluefin on board,



1 didn't want to discard it and I guess you could say advanced  
2 notification was made on the part of some vessel captains.

3           Regarding those memos that Nelson had last night,  
4 yeah, I guess it was encapsulating that discretionary nature  
5 of it. I know that Dick Livingston had revisited the  
6 situation recently. We did put out a notice to long liners  
7 reminding them of the rule and its enforcement.

8           And it was a situation like any other in  
9 enforcement, where resources would dictate how much effort  
10 would be put into monitoring the situation, relative to  
11 other situations in the fisheries, whether it be ground fish  
12 or what have you.

13           But I think the guidance to all enforcement agents  
14 is clear: that the regs speak for themselves. It was not an  
15 official policy to ignore them, but again, it was somewhat  
16 discretionary in certain situations and, you know, that was,  
17 I guess you could say, unfortunate in that it gave the  
18 perception that we didn't have an interest in enforcing the  
19 regulations. But it was basically a situation with  
20 allocation of enforcement resources, whether or not it was  
21 deemed to be a blatant disregard for the regulation or a good  
22 faith attempt to meet the requirement.

1                   So Nelson --

2                   MR. BEIDEMAN: Chris, can I ask you: did that  
3 occur in the Gulf any or was it only the North side?

4                   MR. ROGERS: I believe it was more so in the North.  
5 There probably were some situation in the Gulf. I know that  
6 Spencer Garriton (inaudible) Pascagoula laboratory had done a  
7 retrospective analysis recently; we can probably get copies  
8 of that if people are interested in the subject of actual  
9 applying all the weight.

10                  We do have to mesh two different data bases: the  
11 bluefin data base, which is separate from the weigh out data  
12 bases for the long line. And you could apply those formulas  
13 and got to make sure that you've got all the fish recorded  
14 and attributed to the right vessel.

15                  So it does take some sleuthing. At first pass you  
16 might think there were more violations, but if you uncover  
17 all the records and make a good attempt to capture everything  
18 in the various data bases, there were less, certainly less,  
19 violations than might have been initially apparent.

20                  It was an easier rule to apply with one fish per  
21 vessel, and 1,500 versus 3,500 in the Gulf of Mexico. So it  
22 was less problematic, less paper work that had to be done to

1     ascertain that the rule was complied with in the Gulf of  
2     Mexico. It was less of an issue down there.

3             MR. BEIDEMAN: Yeah, but more so, Steve told me  
4     that the long line vessels that come in with the bluefin  
5     tuna, they're modus operandi is to catch the bycatch first,  
6     or the directed catch first, and then pick up a bluefin on  
7     the way in. So they don't get a bluefin ordinarily aboard  
8     until they already have how many pounds they need.

9             MR. ROGERS: Well, we had received a lot of  
10    anecdotal evidence of targeting in the Gulf of Mexico. There  
11    was a lot of concern that vessels were moving into the Gulf  
12    during bluefin season essentially for that purpose. That's  
13    why we had stepwise refinements of the regulations within the  
14    Gulf of Mexico.

15            Initially, there was I believe an early -- no  
16    target catch requirement. We imposed the target catch  
17    requirement, but there was two fish. We determined that  
18    allowing two fish was providing too much of an incentive to  
19    target, at least partially target, bluefin tuna during the  
20    course of the trip. So we reduced that to one fish. We  
21    modified the target catch poundage requirements. And it  
22    seems to be working, to some extent, in the Gulf of Mexico,

1     although there are still some dead discards that we are  
2     concerned with.

3             So again, what we're trying to do here is not  
4     revisit the past or justify any actions taken or not taken in  
5     the past, but to try to address the problem where we have  
6     dead discards on the one hand that we have to reduce, based  
7     on our commitment with the bluefin tuna rebuilding program,  
8     and land that quota which was allocated for this purpose to  
9     that sector of the fishery, without providing too great an  
10    incentive to target the fish, such that the fish would --  
11    bluefin would be immediately landed early in the season and  
12    then result in greater discard later on.

13            So it's a balancing act we're trying to achieve,  
14    and from our perspective, we want to move forward and discuss  
15    ways to adjust the formulas, the pounds requirements or  
16    whatever, to achieve that balance.

17            Nelson, you want to briefly address that situation,  
18    then we can get on with the presentation?

19            MR. BEIDEMAN:   Okay.   Would it be the proper time  
20    to put forward option, proposed options?

21            MR. ROGERS:   Go through the presentation first and  
22    then we'll entertain options.

1           MR. BEIDEMAN: Okay. Just on the grayness of the  
2 situation, it was gray. It was confusing to the fishermen.  
3 Not in the Gulf; the Gulf, you know, was always rigid with  
4 the poundage, but from 1989 to approximately the summer of  
5 2000, there was a policy that it was the agents' discretion.

6       And basically, it was, you know, before one fish. And if  
7 you had a reasonable pelagic long line catch on board, it was  
8 okay.

9           That started changing in 1999, and NMFS made it  
10 clear, with notifying the fleet early in 2000, that, you  
11 know, this is the policy; it's going to be rigidly enforced.

12       And the fleet has, I believe, been extremely compliant since  
13 that clarification came out.

14           But I just wanted to clarify that in the safe  
15 report, it says that there's compliance problems, and from  
16 our perspective, we were going by the advice that we were  
17 given. So I don't want the impression that we were not  
18 complying. And it was a little confusing. NMFS did  
19 straighten it out.

20           And we do have a proposal that we'll put forward at  
21 the proper time that addresses what the problem is, and the  
22 problem is the 2 percent in the North. The Gulf of Mexico is

1 a spawning area, and it has a negative tendency of turning  
2 towards a directed fishery. The situation in the Atlantic is  
3 completely different. It's a different time of the year,  
4 it's different values of fish and distance to the grounds,  
5 etc. But I'll go into that at the proper time.

6 MR. SHEEDA: (Inaudible) regulatory history for the  
7 background. In the North, the target catch requirements have  
8 remained basically the same since 1981. There was a change  
9 in '94, where I believe the line was moved from 36 degrees to  
10 34 degrees, but the 2 percent has been in place since '81.

11 The Southern target catch requirements have been in  
12 place and have remained basically unchanged since '94.  
13 Before '94, they were two fish with 2,500 pounds of target  
14 catch, and in '94 they were modified to be as they are now.

15 We have an ICCAT ban on directed bluefin fishing in  
16 the Gulf of Mexico. It's been in place since '82. And we  
17 also have several recent ICCAT recommendations to minimize  
18 dead discards of bluefin, including the '98 recommendation on  
19 bluefin rebuilding.

20 One of the objectives of the current and past  
21 regulations has been to implement the ICCAT recommendation on  
22 a ban on bluefin fishing in the Gulf, and to prevent a

1 bluefin tuna fishery from -- a long line fishery from  
2 developing in other areas. And also, to implement the  
3 (inaudible) ICCAT recommendations and recommendations to  
4 minimize dead discards.

5           These next couple of slides are some maps that show  
6 some recent discard, and just the location of where some  
7 bluefin have been caught. This is from '99, and the blocked  
8 off area is some of the closed areas that we have, we talked  
9 about yesterday. This is the mid Atlantic area that's closed  
10 in June, that went into effect in '99; the Gulf of Mexico and  
11 East Coast of Florida that are closed year round (inaudible)  
12 recently; and the Charleston Bump area that's closed from  
13 February through April, with the proposal for through May for  
14 this year.

15           And the clear boxes show areas where bluefin were  
16 discarded and the shaded circle is where bluefin were caught  
17 and landed. And just as a -- the way this application works,  
18 the observation is on the Southern and Eastern edges of the  
19 boxes, actually occur inside. So these observations here are  
20 actually inside the closed area, and so these here would be  
21 actually outside. So these were inside.

22           Again, the closed area is only in June, so just

1   because there's something there doesn't mean that it happened  
2   during that month. This is just showing in general  
3   geographic locations where the bluefin are caught long line  
4   fishing.

5               Another map showing the same thing. And this is  
6   two years of data for '97 and '98, so you really can't  
7   compare the magnitude. But again, it's showing the area, and  
8   you see that we had a lot of bluefin along the Southern line,  
9   which meant that that was in the closed area.

10              And yesterday, Buck showed some numbers evaluating  
11   how -- showing discards in the closed area for the last few  
12   years.

13              And so again, this is just to show you the location  
14   of where the bluefin are -- where we had the bluefin  
15   (inaudible).

16              This table shows some figures on long line landings  
17   and dead discard estimates by area in metric tons, and we  
18   also have numbers of fish. And the discard estimates are  
19   using the direct tallies from long books. And we have it for  
20   the Northwest Atlantic and the Gulf of Mexico from '96 to  
21   '99.

22              So I don't know how much you want to spend on this,



1 but you see we have say in '96, landings of about a little  
2 less than (inaudible) tons and discards at 73, and you see  
3 landings at -- it kind of hit a minimum, or a low point, in  
4 '98 and we had some higher landings in '99, especially in the  
5 Gulf. And the dead discards, mostly had more of a discard  
6 problem in the Northwest Atlantic compared to the Gulf,  
7 although in '99 we had more discard in the Gulf than  
8 Northwest Atlantic.

9 A PARTICIPANT: (Inaudible) the Gulf (inaudible).

10 MR. SHEEDA: That's the yellowfin tuna fishery  
11 (inaudible) swordfish as well, but it's a mostly yellowfin  
12 fishery. Okay, move on.

13 A PARTICIPANT: Can I ask you, do you all have the  
14 data on live discards of bluefins? I know it's not on your  
15 chart, but do you?

16 MR. SHEEDA: We do.

17 A PARTICIPANT: Okay, just to --

18 MR. SHEEDA: The log book information is, we get  
19 both live discards and dead discards, and what Buck presented  
20 yesterday was actually a total discard number, alive and --  
21 but we do have the numbers on both. These are just dead  
22 discards.

1           Okay, this is another graph that we'll spend a  
2   little bit of time on, and this shows some information on the  
3   trip level of long line landings for the last several years,  
4   and also gotten by area. On the left we have the Northern  
5   area, North Carolina North, and on the right you have from  
6   South Carolina and South.

7           And what we have is, is the level of landings for  
8   particular trips. So on the axis here we have the pounds  
9   landed per trip, other than bluefin tuna. And the first bar  
10   are average landings; second bar is medium landings, and  
11   meaning about 50 percent of the trips had that much and 50  
12   percent had more or less; and the third bar is the 75th  
13   percentile, meaning that 75 percent of the trips had this  
14   much -- had that amount of landings.

15           So we look at the average and we have it broken  
16   down by time, as well. So we have it broken down for January  
17   to April, May through December and then year round for each  
18   area. In the North, our regulations don't change, Buck, over  
19   time, they're the same year round. So while in the South  
20   they do change from January to April and May through  
21   December, so the temporal aspect is a little more significant  
22   for the South.

1           So if we want to just look at, say, the year round  
2 numbers for the North, you see the average has about 6,500  
3 pounds of landings per trip; the median is a little over  
4 3,500 pounds; and 75 percent of the trips have about 1,600  
5 pounds of landings, other than bluefin.

6           And in the South, in January through April, we have  
7 4,500 pounds; and in May through December maybe 4,900  
8 pounds average; and then year round, a little bit less than  
9 that, 4,700 pounds. And you see the median number, average,  
10 in January through April, a little over 3,000; that would be  
11 the median. The median in May through December is about  
12 3,800 pounds, and year round it's about 3,500. And then we  
13 have the 75th percentile, which is a little less than 1,500,  
14 a little more, right around 1,500.

15           The yellow triangles are -- and this is from 1999  
16 through 1998, so we have '98 and '99 trips. The little  
17 triangles show some -- the data from 1991 through 1994, which  
18 we had previously published in an ANPR that came out in I  
19 believe late '96 maybe, on the same issue.

20           And you see that the median for 1991 and '94 in the  
21 North year round was right around 3,500 pounds. And we had a  
22 little bit greater seasonality, it seems in the Gulf for '91

1 through '94 than we do now. We had median landings about  
2 1,500 pounds and in the South, January through April, and  
3 3,500 in May through December. And that actually pretty much  
4 reflects what our regs are right now. But it seems as  
5 though we have -- things have changed a little bit, and it's  
6 a little bit more -- the trips are a little bit less  
7 seasonal, they're a little more homogeneous through out the  
8 year.

9 So it's a lit of information on there, but we can  
10 come back (inaudible).

11 A PARTICIPANT: So Pat, in the Atlantic, 75 percent  
12 of the trips have an average landing of about 6,500 pounds  
13 total?

14 MR. SHEEDA: No, not an average landing.

15 A PARTICIPANT: No?

16 MR. SHEEDA: (Inaudible) -- all right --

17 A PARTICIPANT: What is it? Why don't you just --

18 MR. SHEEDA: (Inaudible.) All right, this  
19 (inaudible) --

20 A PARTICIPANT: In the Atlantic --

21 MR. SHEEDA: (Inaudible) are you talking about the  
22 75th percentile?

1           A PARTICIPANT: Yeah, 70 --

2           MR. SHEEDA: No, that's trying to say that 75  
3 percent of the trips --

4           A PARTICIPANT: 75 percent of the trips --

5           MR. SHEEDA: -- had landings of at least 1,600  
6 pounds. That's not their average landing; that's, 75 percent  
7 of the trips had --

8           A PARTICIPANT: 1,600.

9           MR. SHEEDA: At least that much, right.

10          A PARTICIPANT: All right, and what's the blue one  
11 again?

12          MR. SHEEDA: The blue one is the median. That's  
13 basically saying 50 percent of the trips.

14          A PARTICIPANT: 50 percent of the trips have about  
15 60, 6,500 pounds?

16          MR. SHEEDA: They all have about 38.

17          A PARTICIPANT: 38.

18          MR. SHEEDA: And then this one here is about 6,500  
19 pounds, and that's the average. And if you just -- and  
20 that's -- the average is a little bit higher, probably  
21 because we have a lot of -- we have more longer trips in the  
22 North.

1           A PARTICIPANT:   Big boats.

2           MR. SHEEDA:    So you'll have a few 35,000, 40,000  
3   ton trips that will skew that average.

4           A PARTICIPANT:   Simply the average, okay.

5           A PARTICIPANT:   The North is on the left?

6           MR. SHEEDA:    The North is on the left and the South  
7   is on the right, that's the N and the S.

8           MR. BEIDEMAN:   Yeah, Pat, a couple of things.   For  
9   one thing, when the Gulf of Mexico catch criteria was  
10   developed back in '94, '92 and then '94, it was developed  
11   just using those trips that did not land any bluefin tuna.  
12   Is that --

13          MR. SHEEDA:    That is correct.

14          MR. BEIDEMAN:   Are these figures also trips that do  
15   not land bluefin tuna or are they over all?

16          MR. SHEEDA:    These are all trips.

17          MR. BEIDEMAN:   Okay.

18          MR. SHEEDA:    Whether they landed bluefin or not,  
19   but the landings do not count for the bluefin landing.  It's  
20   just all long lining (inaudible).

21          MR. BEIDEMAN:   Mm-hmm.   Could --

22          MR. SHEEDA:    That's at least what I presented here.

1       We could do and, you know, just pull the data.

2               MR. BEIDEMAN:   Yeah.   Could you go back to the  
3   interaction chart, one time?

4               MR. SHEEDA:    Sure.

5               MR. BEIDEMAN:   Yeah.

6               MR. SHEEDA:    (Inaudible.)

7               MR. BEIDEMAN:   Right.   Basically, the closed area,  
8   that's -- you know, the reason for that area is primarily  
9   from one or two observed trips that had very high bluefin  
10   tuna numbers.   Folks should realize that with the changing  
11   water circumstances and what not for this fishery, that box,  
12   it will hit where the bluefins are in some years, depending  
13   on how the water comes in.   Some years it may not hit at all.

14   It's very hit and miss, and that's basically information  
15   from I believe 1995 and 1996.

16               MR. SHEEDA:    I'm not sure about those.   What for --  
17   well, this is '97 and '98 numbers.   You can see that there  
18   are plenty of bluefin interacted with in the area there, as  
19   well.

20               MR. BEIDEMAN:   Yeah, I know, but the big problem,  
21   the box, you know, by the Hudson Canyon, is from one trip  
22   that was observed to have 54, which is kind of (inaudible),

1 and I'm just trying to make the point that because the water  
2 is so variable, any geographical fixed closure will be hit  
3 and miss, depending upon, you know, how the water comes in  
4 and how it reacts each season.

5 A PARTICIPANT: Yeah.

6 A PARTICIPANT: Could double the size of the fish  
7 (inaudible).

8 MR. BEIDEMAN: No, that won't really fix it.

9 A PARTICIPANT: Well, you could still miss it.

10 MR. BEIDEMAN: But --

11 A PARTICIPANT: Yeah.

12 A PARTICIPANT: (Inaudible) the rest of (inaudible)

13 MR. BEIDEMAN: The percentage of trips that don't  
14 have any bluefin tuna interaction is also very high. I  
15 believe it's about 93 percent.

16 A PARTICIPANT: (Inaudible.)

17 MR. BEIDEMAN: 91?

18 MR. SHEEDA: Not quite. I don't know if it's that  
19 high of a percentage, but we can talk about that later.

20 MR. BEIDEMAN: Oh, Gail says the latest figure is  
21 91.

22 MR. SHEEDA: 91? Some other issues other than the



1 discards, regarding the target catch requirements, we talked  
2 about it already, compliance and enforcement. In the  
3 Northern area, we went back and looked at long line trip  
4 landings for back about five years. And about 80 percent of  
5 the long line trips were not in compliance with the  
6 regulations. And in the South their compliance was much  
7 better, about 93 percent.

8           And there's several reasons. You see some of these  
9 comments on the ANPR. Long line trips generally become  
10 shorter; it makes it difficult to reach the target catch  
11 requirements. And the 2 percent regulation is something  
12 that's difficult to enforce, especially at sea, because you -  
13 - you know, if the Coast Guard boards someone, they have a  
14 bluefin on board but they don't quite have the target catch  
15 yet, well, they're still fishing so they could still catch  
16 that target catch. So it's -- the 2 percent regulation is a  
17 difficult one.

18           And also in recent years, as many of you know, the  
19 long line category has only landed about 50 percent of its  
20 initial quota. And we had discussed it yesterday, these  
21 rollovers that had happened and transfers from one category  
22 to another, have been some of the results of that.

1           In November, the Fisheries Service put out an ANPR,  
2   advanced notice of proposed rule making. Here, just to  
3   summarize some of the comments we received: there's a lack  
4   of consistency in enforcement and compliance (inaudible) the  
5   regs between states and areas; that the pelagic long line  
6   fishery's changed; (Inaudible) shorter trips and the target  
7   catch requirements in the North don't reflect that change;  
8   and that the target catch requirements (inaudible) account  
9   for variability of vessels' hold capacity.

10           And we also received comments that the dead --  
11   reducing dead discards by increasing the retention limit is  
12   contrary to the national standards, and that liberalizing the  
13   target catch requirements would result in target fisheries.  
14   And also some comments about the North, South Atlantic  
15   (inaudible) line should be moved various degrees.

16           A PARTICIPANT: (Inaudible.)

17           MR. SHEEDA: Which one?

18           A PARTICIPANT: The third, reducing dead discards  
19   by increasing the AFP retention, stands in direct  
20   contradiction to national standard (inaudible).

21           MR. SHEEDA: Well, let me see if I can -- I mean,  
22   these are comments received. This is not -- so I'll see if I

1 can explain the comment. That your, you know, reducing the  
2 discards by just allowing more to be kept is - might not  
3 contribute -- that's just allowing more to be kept; it's not  
4 necessarily reducing discards.

5 Because you could wind up creating the -- they're  
6 related, the two, the second to last and the (inaudible) to  
7 last. You could create more of an incentive to catch them,  
8 thus you might increase the discards. If you increase in the  
9 interaction, the objective is to decrease interactions,  
10 decrease your discards. Just by allowing more to retain  
11 would not necessarily get you that decrease in discards.

12 So I don't know if (inaudible) again, these are  
13 comments (inaudible).

14 A PARTICIPANT: The thinking on that comment is, if  
15 you allow them to land a few bluefins, they'll target them,  
16 and therefore they'll be discarding more?

17 MR. SHEEDA: Yeah, (inaudible).

18 A PARTICIPANT: Okay.

19 MR. SHEEDA: So those two were (inaudible) but they  
20 were comments that were made.

21 A PARTICIPANT: I don't know how much comment you  
22 want on that, but -- I don't know who made that comment, but

1 actually, the reverse would be true, because bycatch is -- a  
2 retained bluefin tuna would no longer be bycatch. And so by  
3 allowing the retention of fish, you would reduce bycatch. So  
4 it's --

5 MR. SHEEDA: (Inaudible) comments that (inaudible).

6 A PARTICIPANT: So it's completely opposite of  
7 that. Well, I don't want to leave the impression with the  
8 crowd here that retaining bluefin tuna will be in  
9 contradiction to National Standard Nine; it's quite the  
10 opposite.

11 A PARTICIPANT: Well, I disagree. This is the  
12 ridiculous argument that WestPack (phonetic) used to argue  
13 that if you want to solve the finning problem in Hawaii, you  
14 reduce bycatch by simply not making them throw the fish back.  
15 So all of a sudden bycatch goes to zero, so finning is a  
16 good thing. It is a ridiculous argument.

17 A PARTICIPANT: What's the analogy (inaudible)?

18 A PARTICIPANT: Avoidance should be the priority,  
19 and that's what the law does.

20 (Interruption to tape.)

21 MR. SHEEDA: I see Mau, Peter, Nelson.

22 DR. CLAVERIE: Thanks, Pat. As I understand, we're

1 really talking about two totally different concepts here, as  
2 between the North and South incidental catch situation. In  
3 the North it's an allocation situation. In other words, it's  
4 -- in the allocation scheme you have an incidental catch that  
5 if you're fishing for other fish you may accidentally catch a  
6 bluefin, and therefore if you can keep one, that will be one  
7 less dead discard.

8 But in the Gulf, that's a directed spawning area  
9 and you're operating under an ICCAT recommendation that there  
10 be no directed fishery for bluefins in the spawning area. Is  
11 that the proper concept of the two, description of the two  
12 different North and South zones on this thing?

13 MR. SHEEDA: To some extent, especially what you  
14 said about the South. But in the North, it's still not a  
15 directed fishery, and it's -- but they're --

16 DR. CLAVERIE: It's a not directed fishery pursuant  
17 to National Marine Fisheries Service regulations, not as a  
18 request by ICCAT.

19 MR. SHEEDA: Okay, correct.

20 DR. CLAVERIE: And the ICCAT recommendation is that  
21 there be no targeting bluefin in spawning areas, and that's a  
22 biological driven recommendation. The one up on the East

1 coast is more, who gets the fish that we can kill. Well, to  
2 me, it flies in the face of saying, no directed fishery in  
3 the spawning zone if you have a quota for how many you can  
4 kill there. The idea there would be to keep away from those  
5 spawning schools.

6           And so your language, your statements that we want  
7 to be able to catch the quota as it applies in the Gulf, to  
8 me, is really bad. Now, if you want to say we want to be  
9 able to catch the quota of incidental catch on the East coast  
10 so that everybody gets their quota, that's okay. But when  
11 you talk that way in the Gulf, that flies in the face of  
12 conservation measures, and that is very offensive.

13           I know we started out with two fish per trip, and  
14 it was obvious that that was the target of those trips,  
15 because the individual value of those fish is so much. And I  
16 know we put the landings of other fish requirements in there  
17 to slow that down.

18           But still, if they're going to go to get a bluefin  
19 tuna specifically with that in mind at any time during that  
20 trip, that's going to lead to bykill, because those fish  
21 generally, when you get one on a long line, you get more than  
22 one because it's a schooling critter. And that can be done.

1           In other words, you may be going on a yellowfin  
2   tuna trip or a catfish trip, whatever you want to call it.  
3   But when you've got enough so that you can get your bonus,  
4   you're going to go target that bonus. And that becomes,  
5   then, a directed fishing operation.

6           I don't know how you can stop it, but that, to me,  
7   needs to be done. But it needs to be done in such a fashion  
8   that if you do catch a bluefin tuna, and truly accidentally,  
9   that you can keep it rather than let it be killed. So I  
10   don't know how you address that, but none of your options  
11   here do address that, and none of your options seem to  
12   distinguish between the two kinds of, quote, incidental catch  
13   that has a quota to it.

14           And I think that's the first step you need to do,  
15   is realize in your options and in your thinking that it's two  
16   different, totally different, concepts. Thank you.

17           MR. SHEEDA: Thanks, Mau. I think Peter?

18           MR. WEISS: Yeah, I have a question for Nelson.  
19   You know, I -- this thing about being one fish or two fish,  
20   what I don't understand is, bluefin schools are -- you know,  
21   you rarely find one bluefish swimming around; it's always a  
22   school. And when you have that many hooks out, I don't know

1    how you only end up with one bluefin. That's one thing  
2    that's always bothered me.

3                It seems to me that when there's one, there's a  
4    hell of a lot more than one, and when they're looking at your  
5    bait, there's a lot of them looking at your bait. And why  
6    does just one or two come up? I don't know how many hooks  
7    you got out there; I guess about three or four, four or 500.

8    I'm not quite sure. Can you just enlighten me on that a  
9    little bit?

10               MR. BEIDEMAN: Well, first off, Peter, the boats  
11   are doing everything they can to avoid them. They really  
12   don't want to run into them. And there is some separation,  
13   you know, when -- depending on how the water pushes in, there  
14   is some separation to the bluefin, and the boats let  
15   everybody know, you know, what to avoid if there's any bad  
16   signs.

17               But Pat could hopefully give us the percentages of,  
18   you know, how many trips interact by observers, interact with  
19   one; how many trips interact with more than one. And it's  
20   not that many that interact with more than one. I think it  
21   goes up, you know, to about three, and the trips that  
22   interact with more than three are quite rare. Does happen,



1 and if the guys don't get off of it, you know, it can be  
2 pretty high numbers.

3 MR. SHEEDA: Okay, Nelson, I think -- or --

4 (Interruption to tape.)

5 A PARTICIPANT: -- I'm going to say the other  
6 answers to Peter's question, that he's more familiar with,  
7 is, I'm sure he's found himself a number of times in a fleet  
8 of 75 or 80 boats that have 75 or that three or 400 hooks  
9 down below, marking hundreds of bluefin tuna, and nobody gets  
10 a fish.

11 MR. SHEEDA: Go ahead, Nelson.

12 MR. BEIDEMAN: Is it -- this is my time? Are you  
13 done, Steven? I don't know if I answered you --

14 STEVE: No, I mean (inaudible) just -

15 MR. BEIDEMAN: Yeah.

16 STEVE: It is (inaudible) but there are times also  
17 -- there are times, and that's the riches, boy, where  
18 everybody hooks up. You know, I mean, everybody, especially  
19 in the Fall. I've seen it. You know, you're just surrounded  
20 by guys fighting fish. I'm just surprised that that doesn't  
21 happen, you know, in your fleet more than very occasionally.  
22 I'm just a little surprised by that and -- but if that's

1    what the observer coverage is, it's fine.  It was just a  
2    question of --

3               MR. BEIDEMAN:  No, it really doesn't.  What you're  
4    talking about is a disaster set, you know, and it has  
5    happened.  I can't deny that it has happened, but we are  
6    doing everything in this world to avoid that because a  
7    disaster set, what happens is, it goes to the bottom and we  
8    lose the gear.

9               So if I could, and I'll probably be getting kicks  
10   and what not from my crowd, but I'd like to just lay out on  
11   the table that back in 1982, they made the regulation that  
12   there be no directed U.S. pelagic long lining, period.  Well,  
13   whether that was right, wrong or indifferent, we know that  
14   the ICCAT recommendation says, no directed fishing in the  
15   spawning areas.  And the U.S. extended that to U.S. vessels,  
16   even if they're in the Azures, to be the spawn areas.  I  
17   don't even want to get into that.

18              The Western bluefin tuna, even when it gets totally  
19   recovered, there probably will not be room for any directed  
20   fishery in the U.S. pelagic long line fishery.  I mean,  
21   that's simple mathematics.

22              And what we've never asked for is regulations that

1     would have our category impinging on the rest of the fleet;  
2     you know, the rest of the categories. But we do want to  
3     reduce the discards. We do want to do that by carefully  
4     adjusting the catch criteria so that we can land, rather than  
5     have to discard, up to our allowable quota. And almost  
6     everybody, you know, all the groups in the room, have agreed  
7     on that for many, many years.

8                 We have two options that we'd like to put forward  
9     for the panel to consider. I think they're very, very  
10    serious options that, you know, maybe we can discuss.

11                Option one would be just to adjust the Northern sub  
12    category, to adjust the Northern sub category from the 2  
13    percent, which is the problem, to ten to 12 percent, which is  
14    what National Marine Fisheries Service is proposing in their  
15    various options, or one fish. The or one fish is important.

16    So it would be 10, 12 percent, or one fish. And if you  
17    wanted to put the 10, 12 percent into poundage numbers, you  
18    know, you could certainly do that.

19                The second part of that would require adjusting the  
20    subcategory quotas to recent year catch and discard trends.  
21    In recent years, it's been trending less interactions in the  
22    Gulf and more interactions in the Atlantic, and the

1 subcategory division should reflect that.

2 Third, you would need to adjust the subcategory.

3 A PARTICIPANT: What are the subcategory  
4 (inaudible)?

5 MR. BEIDEMAN: The Northern is 22 or, you know, 23  
6 metric tons; the Southern is I believe 86 metric tons. And  
7 that needs to be adjusted to reflect --

8 A PARTICIPANT: Reality.

9 MR. BEIDEMAN: -- recent year trends and reality.  
10 The third is that you would need to provide the  
11 assistant administrator with the ability to in season adjust,  
12 whether it be between sub categories or whether it be the  
13 landing criteria. If we're racing too quickly toward our  
14 category allowance, it would need to be slowed down. And if  
15 we were not, it may need to be loosened.

16 And we would suggest that it would not be a  
17 positive thing to move the line at this point, but if you  
18 were to consider moving the line, that you move it South.  
19 The spawning grounds are in the Gulf of Mexico, and there's  
20 some spawning in the lower straits of Florida. Moving the  
21 line North is very problematic because of where the effort  
22 is, where the boats fish. Moving the line South makes a

1 little bit of sense. But our suggestion is not to move the  
2 line.

3 So that first option would be to simply adjust the  
4 catch criteria from 2 percent to ten, 12 percent or one fish,  
5 and to do the analysis necessary to adjust the sub category  
6 quotas to reflect recent year reality.

7 The second option --

8 A PARTICIPANT: (Inaudible.)

9 MR. BEIDEMAN: Sure.

10 A PARTICIPANT: The current 2 percent, does that  
11 not equate to one fish right now?

12 MR. BEIDEMAN: No.

13 A PARTICIPANT: Not always.

14 MR. BEIDEMAN: No.

15 A PARTICIPANT: Okay.

16 MR. BEIDEMAN: No. Enforcement had it equating to  
17 one fish for, you know, ease of enforcement and, you know,  
18 logical sense, but that hard line was drawn last year and it  
19 does not include or one fish. And that would be important  
20 for reducing discard, plus making it better to enforce. So  
21 10, 12 percent, or one fish.

22 The second option would be to drop the

1 subcategories, period, and to adjust the catch criteria to  
2 10, 12 percent, and have one quota, one season, beginning in  
3 June.

4 But I would -- personally, I would have to caution  
5 you that doing that could have the tendency to set up, re-set  
6 up, quasi-directed fisheries in the Gulf of Mexico. And, you  
7 know, we would not be in favor of that. I'm sure that  
8 (inaudible).

9 MR. SHEEDA: Thanks, Nelson. Just a question. So  
10 there would be -- and what you're talking about would be no -  
11 - there would be no minimum target catch requirement, so it  
12 would be one fish regardless of what's caught?

13 MR. BEIDEMAN: Well, right, that's what I'm  
14 suggesting

15 MR. SHEEDA: Okay.

16 MR. BEIDEMAN: You could put a minimal to it, but  
17 it would be 10 or 12 percent or one fish. What you have  
18 right now, the 2 percent, I think everybody agrees, doesn't  
19 reflect the realities of the fishery, hasn't reflected the  
20 realities of the fishery for a long, long time. And that  
21 over-restrictiveness is actually creating most of the  
22 regulatory discard situation, at least for the Atlantic.

1                   MR. SHEEDA:   Okay.   Rich?

2                   MR. RUAIS:   I was following you well through the  
3   first three options, and then at the very end you came back  
4   with a second option and said, drop the subcategory, the line  
5   entirely, and just treat it as one quota.   But in the first  
6   three options, you meant that those are a package?   They're a  
7   package, they're not, just give us option one or option three  
8   or option two.   Okay.   You need all three of them to make it  
9   work.

10                  And you really want us to consider the second  
11   option?   That's a recommendation?

12                  MR. BEIDEMAN:   I think we were just trying to put  
13   out the range of what was there.   But our preferred is to  
14   straighten out the problem.   The problem is the 2 percent in  
15   the Atlantic; that is the problem we're under, an ICCAT  
16   recommendation in the Gulf of Mexico, and we need to be very  
17   cautious there.

18                  MR. RUAIS:   And just my final point is, you don't  
19   find anything attractive enough in the agency's  
20   alternative to just put in for the Northern area two bluefin  
21   tuna with 6,000 pound trip?   Maybe modify it to say, or one  
22   bluefin tuna, period?   Drop the percentage altogether?   Isn't

1     that about the same?

2                   MR. BEIDEMAN:  It's about the same, but actually  
3     that's a little bit too far on the relaxed side.  If you get  
4     two per 6,000 pounds, that's, you know, a much less criterion  
5     than the 12 percent or one fish.

6                   (Interruption to tape.)

7                   MR. BEIDEMAN:  -- want to go too far, you know.  We  
8     want to adjust the pendulum and try to prevent it from  
9     swinging too far.  If we go too far, we'll crash the quota  
10    and then we'll have discards again, and that's not the  
11    objective.

12                  MR. SHEEDA:  Do you have a response, Rich, or  
13    (inaudible)?

14                  MR. RUAIS:  Well, no, I just wanted to say that I  
15    think, in my mind, anyway, there's no question that the  
16    agency needs to do something here to revise the trip limits,  
17    because you're failing at your dual mission of trying to  
18    reduce discard, at least an efficient way, and allowing the  
19    long line fleet to have a reasonable opportunity to catch  
20    some of their quota.

21                  And it sounds like this is a fairly well thought  
22    out alternative to moving there, and it's not far off the



1   proposal that the agency is leaning towards. So I, as one  
2   advisory panel member, would certainly want to recommend the  
3   agency give serious consideration to that.

4                   And at some point, I want to talk about that closed  
5   area, but I don't want to confuse the issues right now. I  
6   want to go back to that closed area.

7                   MR. SHEEDA: Okay. Steve?

8                   MR. BERKLEY: Yeah, I'd just like to not speak  
9   directly to Nelson's suggestion, but to urge the agency to do  
10  whatever they can regardless of -- really, regardless of what  
11  it means in terms of discard, but to be more concerned about  
12  what happens to mortality of bluefin tuna in the Gulf of  
13  Mexico.

14                   Although I am sensitive to the potential for  
15  discarding valuable fish, I think the evidence that I've seen  
16  anyway, recently, suggests that the spawning stock is really  
17  in quite big trouble. The Gulf of Mexico -- the number of  
18  fish, the catch rates, the encounter rates with the long line  
19  fleet in the Gulf of Mexico have been going down. The larval  
20  surveys indicate very low levels of spawning activity in the  
21  Gulf of Mexico, and I would just urge the agency to do  
22  whatever they can to reduce the mortality of spawning stock,

1 spawning fish, in the Gulf of Mexico.

2 MR. SHEEDA: Mau, Glen and then Rom.

3 DR. CLAVERIE: Thank you. I really think that  
4 instead of calling it adjusting, as between the Southern and  
5 Northern categories, that they ought to be separate, totally  
6 separate, categories. One of them is how we distribute our  
7 quota from ICCAT; the other is, ICCAT says don't go directed  
8 fishing. And to put them in the same category kind of is a  
9 slap in the face to ICCAT. So whatever adjustments are made,  
10 please start by calling them two different things.

11 One of the --

12 (End side A, tape 1.)

13 DR. CLAVERIE: -- is that it's a spawning fish and  
14 when your long line gets into bluefins, you're going to  
15 tangle up with more than one, usually. And not only that,  
16 we've heard of high grading. Under the percentage, the 2  
17 percent rule as is in the North, at least the high grading is  
18 limited, depending on how much poundage of other fish you  
19 have on the boat. But the -- so if you switch to head count  
20 of fish rather than pounds of fish, as an incidental catch in  
21 the North area, you could encourage high grading, if it's  
22 possible.

1           As soon as Nelson said adjust the Northern  
2   subcategory from 2 percent to 10 percent or 12 percent, well,  
3   that still includes, you have to have so many pounds, a  
4   matching amount of pounds, on the boat of other fish. But as  
5   soon as he said, or one fish, immediately I thought of,  
6   that's a good place for all those 30 foot fiber glass boats  
7   that can't really go far, to get up near shore, go out, get  
8   their one fish, don't worry about anything else, and come  
9   home.

10           So you might introduce that problem into the  
11   fishery if you go to a head count of fish in the Northern  
12   zone; although it would be easier for enforcement and  
13   everything, you don't want that to start happening.

14           MR. SHEEDA: Thanks, Mau. Glen?

15           GLEN: Mau, I know you're trying to imagine every  
16   possible negative thing you can here, and I appreciate where  
17   you're coming from, but the last comment, I mean, that's  
18   absurd. This is a pelagic long line fishery. We're talking  
19   about limited entry. None of the people you're talking about  
20   have pelagic long line permits, nor are they likely to get  
21   one any time soon.

22           So let's keep the gratuitous, anything I can

1     imagine to put fear --

2                   DR. CLAVERIE:   You mean the boats that we're  
3     getting out of this closed area don't have pelagic long line  
4     permits?

5                   A PARTICIPANT:   They can't fish up there, no.

6                   GLEN:   I thought you were talking about open day  
7     boat recreational fishermen using this as an  
8     opportunity to go get their fish.

9                   DR. CLAVERIE:   Well, see, you're thinking even  
10    worse than I am.

11                   GLEN:   Yeah, well --

12                   DR. CLAVERIE:   I was thinking of the boats that  
13    Nelson said yesterday we'd get out of this area, and they're  
14    too small to fish as far off shore as they're going to have  
15    to fish off shore, so there's going to be deaths and lawsuits  
16    and all that.

17                   GLEN:   And they're going to go where?   And they're  
18    going to become bluefin tuna fishermen?   Come on, Mau, Jesus,  
19    on one fish a day.   That's good.

20                   Also, Steve Berkley, please do not make the group  
21    here have some perception that we're as a result of this  
22    going to have a higher mortality of spawning fish.

1            ICCAT has given the U.S. a quota based on very  
2     conservative science, supported by and generated by your  
3     colleagues in the Southeast Center, primarily. The U.S. has  
4     a quota and they divide it up into categories. The U.S. long  
5     line fleet has its own sub category quota and that mortality  
6     is already accounted for in the 20 year rebuilding plan. So,  
7     you know, this notion that we're somehow having a negative  
8     conservation impact here is not a correct portrayal of the  
9     situation.

10           Fish are being caught. This issue is purely about  
11    throwing dead fish overboard or landing dead fish. Going  
12    from one to two fish in a two, three, four week pelagic long  
13    line trip, to suggest that this is going to inspire a  
14    directed fishery for bluefin tuna, no one in this room with  
15    any fishery intelligence can honestly say that's what they  
16    believe is going to happen here.

17           We've got a political situation. People keep  
18    throwing things out on the table here to try to scare those  
19    of you that may not totally understand the situation into  
20    believing that this is a negative conservation move. Quite  
21    the opposite. We have a mandate from ICCAT to reduce dead  
22    discards.

1                   This has been a study in classic Matlockian fishery  
2 management for the last decade: you create a problem and  
3 then you solve the problem by putting more restrictions on  
4 U.S. fishermen.

5                   ICCAT back in 1982 decided that fishermen should  
6 not fish on -- have a directed fishery on spawning sites,  
7 including the Gulf of Mexico. Politically, that was for the  
8 purpose of removing the Japanese fleet from the Gulf of  
9 Mexico. As Steve Berkely --

10                   (End side B, tape 1.)

11                   GLEN: -- should know, if you asked any of your  
12 colleagues down in the Southeast Science Center, and I'm not  
13 going to this point, and please don't interpret that the  
14 industry is advocating this, but people need to understand  
15 and be honest about the science.

16                   Fishing, whether you kill a spawning fish the day  
17 before it spawns, the day it spawns or the day after it  
18 spawns has absolutely no impact on the time series analysis  
19 of the stock. Zero. Ask Jerry Scott, ask Joe Powers; ask  
20 somebody if you don't believe me. And if you thought about  
21 it, it obviously is the case. The only time when fishing on  
22 a spawning stock has a conservation implication is when the

1 fishing activity disrupts the over all population's ability  
2 to spawn. Now, there's a physical disruption to that. Long  
3 lining is not that case.

4 But we're not taking that issue on. If you don't  
5 want to fish in the spawning areas, that's fine; it doesn't  
6 have any impact on the stock analysis or the stock status.

7 But somehow along the line, Mr. Matlock and company  
8 decided to expand this concept to the entire Atlantic and  
9 declare that this was an incidental fishery, and thereby  
10 create bycatch out of thin air. And then suddenly now it's  
11 bycatch and we have to minimize that.

12 And they say, well, we'll only let you take one  
13 fish. And then they created too restrictive a situation, and  
14 then they look at the bycatch and the dead discards number  
15 and they say, oh, my God, you're throwing too many fish  
16 overboard. So instead of relaxing the criteria, which was  
17 too tight in the first place, you draw a circle around the  
18 ocean and say, well, you're throwing too many fish overboard  
19 here because we put too tight a restriction on you, so we're  
20 not going to let you fish there.

21 I mean, this is the type of compounding insanity  
22 that we've been faced with, just creating regulatory discards

1 and the notion of an incidental fishery out of thin air.

2           So I think that Nelson has explained it, that it's  
3 a very reasonable, smart, intelligent, conservation-minded  
4 thing to do. We're not in the business of regulating a  
5 fishery so that people throw fish overboard.

6           I'm sure there's a notion among this crowd that  
7 we're going to -- you know, these guys just are trying to get  
8 those 30,000 or \$172,000 bluefin tuna. The reality is, as  
9 Rich can attest, that, you know, a long line caught fish  
10 that's been sitting in the hold for a week ain't going to get  
11 30,000 or \$172,000. It's unfortunate. It's not a sushimi  
12 grade fish when it comes out of the hold; that's just  
13 reality.

14           But at the same time, we're wasting a resource  
15 unnecessarily. We have an international mandate to stop  
16 doing this, and no one in their sincere minded and hearted  
17 statement can say that this is going to inspire a directed  
18 fishery.

19           So let's get on with this. This has been pending  
20 for ten years or God knows how many years. We have some  
21 people here who understand the fishery, who know what the  
22 right thing is to do. Let's step aside from the political



1 pressures of anything bad for long lining is good, and do the  
2 right thing for the over all bluefin tuna fishery. Thank  
3 you.

4 MR. ROGERS: -- if we need to continue the debate  
5 after Bill's presentation, fine, but if you could be brief  
6 and we can have a five minute break before Bill arrives.

7 MR. SHEEDA: Okay, Rom?

8 MR. WHITAKER: Rom Whitaker from Hatteras Charter  
9 Boats. Of course, Nelson brings up some important points.

10 And I have seen in our area where some bluefins, I  
11 mean, they're being caught. There are some. I'm not as  
12 familiar -- I'm not very familiar with the pelagic, what  
13 happens off shore, but I know there is some interaction with  
14 some shark long liners in North Carolina, and it's a shame  
15 when they have to throw these fish overboard. There's  
16 occasionally some other interaction with some gillnetters,  
17 but that's not very often.

18 I feel like that it's certainly a waste. I'd much  
19 rather see these guys take these fish in and be able to take  
20 advantage of selling the fish rather than just tossing it  
21 back over the side.

22 They certainly are not targeted in our area. I

1 think it is incidental. And normally I think the interaction  
2 is very small.

3           After listening to some of the discussion here,  
4 seems like to me that I do have a lot of concern about the  
5 spawning fish in the Gulf of Mexico, and that anywhere we  
6 have spawning fish I think that they need to be protected,  
7 whether it's marlin or tuna or whatever. So it kind of makes  
8 sense to me.

9           I would support moving the line South somewhere,  
10 almost down to maybe the Florida Keys, making the Gulf of  
11 Mexico restrictions much tighter than the East coast, and  
12 then coming back on the East coast.

13           And it seems to me, I know on these sharking  
14 vessels that I think they have a 3,500 pound limit. So right  
15 now, the way the system's set up, they can't even land a  
16 bluefin tuna, even though they've caught their target  
17 species. So I would agree with the 30 -- well, really, I  
18 think 3,000 pound limit would be a much more -- a better  
19 target. The 3,500 puts them right on the border. But I  
20 would be in favor of that.

21           But I think that they do need to have some type of  
22 target species, because contrary to what Glen says, I do feel

1    like there would be a targeted fishery if there was no limit  
2    put on the amount of fish.  It used to be 1,500 pounds in  
3    North Carolina, or from North Carolina South, and of course  
4    the line was moved in 1994 to 30 -- from 36 degrees to 34  
5    degrees.  But I didn't see a targeted fishery then and I  
6    don't feel like with some type of minimum requirement that we  
7    would see one now.

8                   So I would be in favor of the 3,000 pound, but I  
9    would want to hope, after reading about this 80 percent non-  
10   compliance in the North -- I mean, some of the guys in our  
11   state are fishing besides some guys from the other state.  
12   They're throwing their fish back; this guy's landing his fish  
13   and going into Virginia and laughing at the guy from North  
14   Carolina because of two different enforcement divisions.  I  
15   mean, they have to be consistent, and I hope NMFS is going to  
16   take care of that.  But that would be my feelings on it.  
17   Thank you.

18                   MR. SHEEDA:  Thanks, Rom.  We have Russ and then  
19   Bob Pride.

20                   MR. DUNN:  Thanks, Pat.  Glen threw out so many  
21   half-truths in his statement I hardly even know where to  
22   start.

1           Starting with sort of his statement on bycatch and  
2   minimizing bycatch, for those of you who haven't read  
3   Magnuson, National Standard 9, the intent of it was, it  
4   should reduce bycatch mortality. And yes, the first half  
5   says, bycatch shall be minimized to the extent possible.

6           But the second half of the truth, which Glen sort  
7   of conveniently left off, is the fact that mortality of such  
8   bycatch should also be minimized. And that's the real point  
9   of the debate here. It's not simply to limit the discards.  
10   Well, yes, that's the technical wording of what the ICCAT  
11   agreement says. The intent here, the focus, is really on  
12   reducing mortality.

13           A couple other of his statements that the quota is  
14   based on conservative science is an utter falsehood. The  
15   science that was used as the basis for the agreement was the  
16   most risk-prone of all the sciences presented at ICCAT, and I  
17   think most of you already know that.

18           The notion that the incidental category is created  
19   out of thin air, that's interesting because that happens to  
20   be the name of the category: incidental category. And let's  
21   not forget that as we debate this, that this category was --  
22   is working as it was intended: to prevent targeting of this

1 species.

2           And clearly it may need some adjustment here, with  
3 an 80 percent non-compliance. Well, we're not in favor of  
4 countering regulations to create enforcement. Certainly it  
5 bears a second look, given the numbers that you guys have put  
6 together.

7           Until we can look at it further, we would support  
8 the continuation of the status quo, but I think potentially  
9 one of the options, the bluefin tuna trip -- I mean, one BFT  
10 per trip with a 3,500 pound may have some possibility with  
11 us, but don't take that as a final position of the campaign.

12       Right now we would still support the status quo.

13           So I guess that pretty much wraps it up.

14           MR. SHEEDA: Thanks, Russ. Bob and then Jack.

15           MR. PRIDE: Bob Pride, Virginia.

16           As part of my responsibilities on the Mid Atlantic  
17 Council, I serve on the law enforcement committee. And we've  
18 recently been going through a series of meetings to determine  
19 the enforceability of different regulations that we've used  
20 in management practices throughout our region.

21           And one of the things that stands out in my mind is  
22 that any bycatch allowance that's based on a percentage of

1 weight is very difficult to enforce. It really realistically  
2 cannot be enforced at sea, and the docksider requires a weigh  
3 out and it's very time intensive and labor intensive for  
4 enforcement personnel.

5           And I've been asked to bring forth at every  
6 opportunity the notion that bycatches that are a percentage  
7 of weight are very difficult to enforce and to encourage  
8 fishery managers to look to unit counts or other ways that  
9 are easy to enforce at sea and at dock side. Thank you.

10           MR. SHEEDA: Thanks, Bob. Jack and then Gail.

11           MR. DEVNEU: Several comments. First, I find it  
12 incredible that regardless of the issue, regardless of the de  
13 minimis nature of any particular regulation to do with long  
14 line, the long line bashing that continues out of the  
15 environmental industry and the Gulf recreational industry is  
16 just -- it's unconscionable. It's not rational, and it has  
17 such an incredible bias that it should be discounted in its  
18 entirety.

19           A couple of comments on the proposals out there.  
20 There's an international and a domestic component to this  
21 proposed regulation here. I don't think it's in the United  
22 States' interest, with respect to ICCAT, that any segment of

1 the fishery be found to be in a non-compliant or a high  
2 discard role. I think it undermines our position as a world  
3 leader in conservation in these forums, where we have always  
4 been. On virtually all our issues we've been a world leader  
5 in conservation.

6 I think that also the -- with respect to the  
7 agency's issue number four, or option number four, where the  
8 observer data shows 91 percent of the trips hooked two fish  
9 or less of bluefin tuna is a very key point. It's accurate,  
10 observable, third party, verifiable data. It's not made up  
11 by anybody; it's observed.

12 And by adopting the regulations or the proposal in  
13 option four, or, you know, perhaps also the option put forth  
14 by Nelson, we would have a huge reduction in dead discards.  
15 And that, I think, would be -- certainly further our aims at  
16 ICCAT and put the United States in a very good light.

17 Also, the retention of these fish is conservation  
18 neutral. The dead discards are dead, very simple. The  
19 retention of something that's dead is conservation neutral.

20 With respect to some of the comments about, you  
21 know, creating some imaginary incentive to go wrap your long  
22 line trip around getting one or two bluefin is simply

1 preposterous. The comments have already been made, and I  
2 won't go further into them. The economics don't matter, and  
3 quite frankly, I find it a little bit offensive, the thought  
4 that long liners are going to go out in high grade but nobody  
5 else.

6                   Okay, I just never heard that comment from Mau  
7 about any of the other fisheries down there. Apparently --

8                   A PARTICIPANT: (Inaudible.)

9                   MR. DEVNEU: Pardon me?

10                  A PARTICIPANT: (Inaudible) nobody else.

11                  MR. DEVNEU: Well, you know, this is where I've  
12 heard it, in this context, you know, so I think the long line  
13 track record of the long line industry is such that it's been  
14 very responsible. We do avoid the -- the fact that there's  
15 91 percent of the trips that have two fish hooked or less is  
16 a clear indication that the long line industry does not want  
17 to encounter these fish, has been avoiding them. Okay? And  
18 it's been a responsible thing.

19                  And to not allow the retention, you know, at this  
20 point is -- it's not sound science, it's not sound  
21 conservation, it's simply a punitive measure politically by  
22 those that wish to do anything possible to undermine the



1 viability of the long line fleet. Thank you.

2 MR. SHEEDA: Thanks Jack. Gail?

3 MS. JOHNSON: Thank you. Gail Johnson. I'm going  
4 to address this from the perspective of a distant water boat,  
5 which we are. First of all, Glen and Steve were talking  
6 about spawning sites, and Glen says that a dead fish is a  
7 dead fish no matter where it spawns. But a lot of people  
8 think differently, intuitively, even though the science says  
9 one thing, you know, intuitively you think something else.

10 And to that end, there's work going on, and will be  
11 going on, to define where spawning sites are, because there  
12 is a big controversy about whether indeed the Gulf of Mexico  
13 is the only spawning area. For all we know, it could be the  
14 entire temperate area, which would leave us in a kind of a  
15 quandary about targeting from anybody.

16 Obviously we must have some kind of adjustment.  
17 Russell said something about, you don't fit enforcement to  
18 whatever is happening; on the other hand, if you have a  
19 situation where a dead discard is doing no one any good,  
20 including getting the information from that fish, then it is  
21 sensible to change it.

22 We're talking about disaster sets. Our company has

1   fished with one boat, okay, one boat at a time, just one  
2   person, since 1974. We've had two disaster sets and one mini  
3   disaster set. And what that means is, there is a bunch of  
4   bluefin; the worst one was 60 fish, half of which were dead.

5   And it sunk gear. It is a disaster. It's a disaster for  
6   those particular bluefin that died, but more, it's a disaster  
7   for the boat.

8           And when that happens, if that happens -- like I  
9   say, three times in 27 years -- everybody knows about it and  
10   everybody gets out of the way, because nobody wants to lose  
11   their gear. It's a two day job to get that stuff fixed up  
12   again. You don't want these things.

13           When the boat's at the Grand Banks, we have --  
14   we've got observed trips, and I think there's like one  
15   bluefin. And I don't know why that happens, but it does; you  
16   get one bluefin. And you hope, if you get one bluefin, it's  
17   the last set, but most of the time it's not.

18           Enforcement at sea is really difficult from a  
19   distant water perspective. I can't quite see the Coast Guard  
20   coming out on the Grand Banks and emptying out the hold of, I  
21   don't know, anywhere from, if it's a really good trip, maybe  
22   300 fish; put them all on deck; get all of the ice out; find

1 the bluefin, if there is one; put them all back again.

2 Doesn't happen. The only way to enforce a ground -- the  
3 percentage rule is on the dock; that's it. It can't be  
4 possession, because the boats that I'm talking about aren't  
5 in the EEZ anyway.

6           So at any rate, to sum it up, we really have to get  
7 a handle on this. Ten percent, if you have 4,000 pounds,  
8 that's a 400 pound bluefin. If you come in -- if you have a  
9 crummy trip and you come in -- we've had 20,000 pounds and  
10 the only bluefin we had was bigger than that allows, over at  
11 (inaudible). Thank you.

12           MR. SHEEDA: Thanks, Gail. We had Steve and Mau  
13 next, but since they've spoken already, I'm going to try and  
14 move to people that haven't spoken yet, and we can get back  
15 to those who have spoken already. So Pat Percy, then  
16 Clarence.

17           MS. PERCY: Thank you. You asked for brevity. I  
18 think everyone should be brief. People have made their  
19 arguments. I don't believe in answering pot shots, so what I  
20 wanted to say is, I think the proposal Nelson presented was  
21 well thought out and reasonable. Thank you.

22           MR. SHEEDA: Thank you, Pat. Clarence and then

1 David.

2 MR. LEE: Wayne Lee from North Carolina. I support  
3 what Nelson said, in a sense, that we need to change that 2  
4 percent. As Rom Whitaker pointed out, we have some trips  
5 there where 3,500 pounds of shark, and I think that would be  
6 accommodated in your ten to 12 percent proposal. And Rom  
7 also supported maybe moving the 3,500 down to 3,000, which I  
8 think would be acceptable.

9 But I do think we need to change. There's no use  
10 having these dead discards, and those fish need to be  
11 accounted for, so I support your proposal.

12 MR. BEIDEMAN: Can I respond (inaudible).

13 MR. SHEEDA: Go ahead.

14 MR. BEIDEMAN: The 3,500, with the average size of  
15 the fish, 3,500 would be approximately 12 percent. 4,000  
16 with the average size of the Northern fish would be  
17 approximately the 10 percent. And I hate to confuse the  
18 issue, but actually, we would rather not go down to the 3,000  
19 level. We would rather stay at the 3,500 level, and if we  
20 needed adjustment further in the future, then we might be  
21 able to go down. But at the 3,500 level or one fish, it will  
22 accommodate those folks that are interacting with bluefin

1 tuna off of Hatteras.

2 MR. LEE: Thank you, Nelson.

3 MR. SHEEDA: Okay, David then Kim.

4 MR. WILMOT: Yeah, one of the reasons it's  
5 difficult with this discussion is because it's very limited.

6 So those of us who are trying to look at the conservation  
7 aspect, we're thinking about the other, related aspects of  
8 this issue, not just the landing of the fish.

9 For example, we're not discussing today the  
10 estimates of bycatch discards with bluefin tuna. They may be  
11 as high as 150 metric tons, and we've seen no decline over  
12 the past decade. Well, if that's the case, this discussion  
13 may be quite a bit different. We're not discussing the  
14 closed area and the effectiveness of that and what have we  
15 actually seen in mortality reductions.

16 So I hope that those of you who are focused on  
17 catching the fish, and it's quite easy to pick up a  
18 regulation and say, this will impact me this way or that way,  
19 can understand that when we look at one of these regulations,  
20 we have to put it into a much larger conservation context.  
21 And that's what we do here.

22 When we look at the specifics of the problem, in

1    this case looking at the 80 percent non-compliance, that  
2    really caught my attention, and what my attention was is that  
3    we need to try to find a solution here.

4               As Russell said, we're not looking to create an  
5    enforcement problem. But with the condescending attitude  
6    that comes from some of the industry, I have to tell you, it  
7    becomes incredibly difficult to want to reach out at all on  
8    any of these issues. However, some of us are still willing  
9    to do that.

10              The North versus the South: the point that Mau is  
11   making, and I am very confident Steve Berkely was making, is  
12   quite legitimate. I mean, goodness, the folks in the  
13   industry, this is actually a plus for you guys if you'll  
14   think about it. They're saying that the South is a problem,  
15   and it's a different kind of problem that you have in the  
16   North. That is legitimate. It's realistic.

17              You don't have to believe the sky is falling; I'm  
18   not playing chicken little over here. But if it is a  
19   spawning area, these guys are simply pointing out, maybe we  
20   should look at it a little differently than the North. This  
21   could be to your benefit, that you might actually get to land  
22   a little more in the Northern zone than the Southern. So I

1 don't understand the immediately attack back that somehow  
2 we're over predicting the problems that may be occurring in  
3 the (inaudible) spawning area.

4               So I also agree that it would be nice if NMFS could  
5 look at the two separately. You guys put regulations in  
6 place preventing directed fishing everywhere; that was the  
7 decision that was made then; it's never been adjusted since.

8       However, we know the rationale in the Gulf of Mexico is  
9 different, and it should be clear. There's nothing wrong  
10 with that.

11              Jack raised the international credibility. You  
12 know, that's really a good point, and it is important for us  
13 to be able to reduce our discards. ICCAT has mandated that  
14 we do that. It is going to look good if we can go back over  
15 there and say, we did it. However, I think we have to be  
16 consistent in our approach. There are a lot of other  
17 countries that aren't following various regulations, whether  
18 they be minimum size or other requirements.

19              We're not going to ICCAT and arguing that they can  
20 solve their non-compliance problems by simply adjusting a  
21 regulation in landing two pound bigeye and yellowfin tuna.  
22 For us to simply adjust our landing requirements as the only

1 possible solution is just an inappropriate way for us to go  
2 about it.

3           That's why we are trying to look at it as the two  
4 prong approach: closed areas to try to reduce the mortality;  
5 avoid a directed fishery. And it looks like there's an  
6 opportunity here to adjust the landing criteria to prevent  
7 having to throw so many of these fish away.

8           So as Russ said, I'm not sure exactly where we'll  
9 come down on this, but with the new data that have come  
10 forward, it seems like a lower level that would allow that  
11 one fish to be landed is something that we could support.

12           I don't know about quickly going up to two fish,  
13 and I'm very concerned with the ten to 12 percent, because if  
14 my calculations are correct, that means on the big trips, you  
15 guys could land 12 bluefin tuna on a 40,000 pound trip. So I  
16 think we would not be comfortable with the larger caps, but  
17 since the majority of the boats are in the range of landing  
18 one fish, we probably would be able to go that route; at  
19 least we're going to look into it more closely.

20           MR. SHEEDA: Thanks, David. Kim?

21           MS. NICKS: Good morning. Thank you for the agency  
22 recognize that we comply with the law for 93 percent. I



1 support Nelson recommended, and I also could ask the agency  
2 reconsider about David recommend. Is not be better, maybe  
3 one bluefin per trip, instead of 3,500 pounds, from May to  
4 December? If you look the other way, the law enforcement  
5 don't have enough people to enforce the law out there. If  
6 you make regulation like this, it's a waste of time. So I  
7 request and have maybe one bluefin per trip. And thank you.

8 MR. SHEEDA: Thank you, Kim. We have Ellen that  
9 hasn't spoken yet, and then we'll get back to some people  
10 that have spoken already.

11 MR. ROGERS: Let Ellen go and then we'll take a  
12 five minute break only.

13 MR. SHEEDA: Okay.

14 MR. ROGERS: (Inaudible) time is limited.

15 MR. SHEEDA: Yeah.

16 MR. ROGERS: So we could resume the debate after  
17 Bill's presentation.

18 MR. SHEEDA: Okay.

19 MS. PEEL: Okay, my comments -- Ellen Peel -- are  
20 primarily for clarification, to make sure I understand. What  
21 I'm hearing, I think, is that Nelson, possibly David,  
22 possibly Russ, North Carolina -- you're sensing that the

1 current limitation is too restrictive, that at least one fish  
2 per trip might be or is reasonable, and that there should be  
3 a minimum, though, whether it's 3,500 pounds or a percentage  
4 of trip. Is that what you're saying?

5 MR. BEIDEMAN: There should be a minimum, 3,500  
6 pounds.

7 MS. PEEL: Right, you're saying a minimum, so  
8 either 3,500 pounds or a percent of a trip.

9 MR. BEIDEMAN: Yeah.

10 MS. PEEL: And several have said --

11 MR. BEIDEMAN: Ten to 12 percent. And if there's  
12 concerns about larger trips, which the larger trips really  
13 aren't interacting that much at all, as Gail just told you,  
14 you can cap it at --

15 MS. PEEL: You could cap it at one fish or two fish  
16 or whatever it was (inaudible).

17 MR. BEIDEMAN:: I would say a three fish maximum.

18 MS. PEEL: Right.

19 MR. BEIDEMAN:: And that's what the groups had  
20 agreed upon before, is three fish, maximum.

21 MS. PEEL: And if I heard Bob, you said based on  
22 your enforcement committee work, definitely keep it to

1 numbers of fish rather than percent. So 3,500 would work  
2 better, what --

3 BOB: The bycatch in units is much easier for the  
4 enforcement personnel, and it can be done at sea, as long as  
5 they don't have to empty the hold, as was pointed out  
6 earlier.

7 MS. PEEL: Okay, turning to the Gulf, what Nick  
8 said, are you suggesting that it be a one fish per trip,  
9 regardless of the length of the trip, and that there be no  
10 minimum poundage associated with that?

11 MS. NICKS: Yes.

12 MS. PEEL: Certainly couldn't support that, because  
13 if you had very short trips with no minimum, you could end up  
14 having -- and clarify, I mean, but it sounds like you could  
15 have a lot of very short trips, which might increase the  
16 bycatch.

17 I wanted to ask Glen, on the Gulf of Mexico  
18 situation, what you're saying is that because the regulations  
19 were set up to restrictive, what is resulting, whether it's  
20 intentional or not, is high grading, or you're having -- or  
21 whether you keep the first fish, you're going to have to  
22 discard whatever comes, and that it's just artificially

1     unrealistic and there needs to be more attention paid to what  
2     actually happens in the Gulf.  Is that what you're saying,  
3     that it's not going to increase what they keep -- I mean,  
4     what they kill?

5                 GLEN:  Well, actually, I think perhaps I confused  
6     the issue.  They're really two separate issues.  I had --

7                 MS. PEEL:  No, no, you did not use high grading.  
8     I'm just --

9                 GLEN:  I was just saying that from a biological  
10    stand point.  And if you, you know, are aware or understand  
11    the population dynamics and how the stock assessments are  
12    performed, you know, the biological reality is, if you kill a  
13    fish off New England and then it swims down to the Gulf of  
14    Mexico and spawns the next day, or you kill that same fish  
15    the day it spawns, while it's in the Gulf of Mexico, or you  
16    kill the fish the day after it leaves the Gulf of Mexico when  
17    it spawned, it has -- it's irrelevant.  It's a totally  
18    irrelevant thing.

19                If the activity of fishing is disrupting the  
20    species' spawning behavior, that's a different issue.  No  
21    one's argued that, that I've ever heard.

22                That was just a back ground issue.  I want

1 everybody to understand that. It's an issue that I've  
2 brought up for you know, 15 years, since they put (inaudible)  
3 in 1982. It was done for political reasons, that's all.

4 MS. PEEL: You're not building a dam, as with  
5 salmon or something, that would prevent fish from going back,  
6 right?

7 GLEN: Exactly.

8 MS. PEEL: Yeah. One other concern, which brings  
9 in another whole fish into this concern of the Gulf of Mexico  
10 is, certainly the highest level of marlin bycatch come in the  
11 yellowfin tuna fishery, not, you know, in the swordfish, but  
12 it comes in the yellowfin tuna fishery. And that's still a  
13 serious concern that has not been addressed in the Gulf of  
14 Mexico.

15 So, so long as we don't do things that would, you  
16 know, increase that, we'd want you to look at certainly some  
17 of the time frames that you're looking at when the bluefin  
18 tuna bycatch is high, whether there's any correlation. From  
19 this chart it doesn't appear, but as Nelson points out, this  
20 could be one year's snap shot on where fish are. The Western  
21 Gulf seems to be far more problematic with marlin bycatch  
22 than the other areas. Thank you.

1                   MR. SHEEDA:  Thanks --

2                   MR. ROGERS:  Let's take a quick five minute break.

3       We'll get Bill's presentation set up and his time is  
4       limited, so please be back quickly.

5                   MR. SHEEDA:  Thanks, Chris.

6

7                   (Simultaneous conversations.)

8                   MR. SHEEDA:  For those of you who want a shuttle,  
9       we do have a sign up list over here, and we're going to start  
10      calling the shuttles shortly.  So if you intended to go to  
11      the airport via a shuttle or wanted us to call one for you,  
12      just get your name on this list, indicate the airport and the  
13      flight time.

14                  (Simultaneous conversations.)

15                  MR. ROGERS:  Okay, folks, please start to get back  
16      to their seats so we can get started here.

17                  (Simultaneous conversations.)

18                  MR. ROGERS:  Can we get started, folks, please?  
19      Get back to your seats and we'll get along with this  
20      presentation.

21                  (Simultaneous conversations.)

22                  DR. HOGARTH:  Okay, if we could get started, I'll -

1 - we're going to talk a little bit this morning about the  
2 protected species update. We're really just going to talk  
3 primarily about the pelagic long line and the biological  
4 opinion.

5           We're going to start off with a status update, and  
6 then we'll go through the process of having released the  
7 biological opinion this time. Basically you know that in  
8 1999, we did a consultation; it was initiated because the  
9 pelagic long line had exceeded the allowable take level. We  
10 have a time area and a proposed rule, and then in the year  
11 2000 we did a biological opinion on June 30th, which had a  
12 jeopardy in loggerhead and leatherback sea turtles for the  
13 pelagic long line.

14           However, we re-initiated consultation in September  
15 of 2000, because we wanted to look at some additional data  
16 and look at how we've done some analysis. So in October of  
17 2000, we put out an emergency rule to reduce the sea turtle  
18 bycatch, the bycatch mortality, particularly on the Grand  
19 Banks where we had a time area closure, and we put in some  
20 gear restrictions, requirements.

21           That emergency rule expires on April the ninth. We  
22 will not extend the emergency rule for the time area closure,

1 and we're putting out a rule that will implement the gear  
2 requirements.

3 In 2001, we -- in January we had a technical gear  
4 workshop, which we brought the industry together. We talked  
5 about what can be done with the long line to reduce  
6 mortalities and hopefully cut down on catches, bycatch. And  
7 in March, we had an interim final rule, which adopted the  
8 gear which I just talked about, which is the line clippers  
9 and dip nets, and sea turtle handling requirements. And the  
10 closed area has not been re-initiated, because we'll do that  
11 through -- while we're doing the biological opinion.

12 The biological opinion will be released hopefully,  
13 the new one, this week, Friday of this week or Monday or next  
14 week. People are looking at me when I say these dates; I  
15 hope they're right. Okay, the next one.

16 What we're doing with this biological opinion is,  
17 there's been a lot of concern about, from the constituents  
18 and from councils, that we are not communicating on  
19 biological opinions, that we are basically doing them in a  
20 vacuum; that we're not, you know, discussing biological  
21 opinions.

22 So in trying to look at this issue, because the



1 agency, I feel like, needs to be a little bit more  
2 transparent and a lot more transparent in how we do business,  
3 that we've decided to release three biological opinions.

4           The first one was the one for the Hawaii long line  
5 fishery, which we released. That one is going final probably  
6 this week or next week also. And then we decided to release  
7 the Stella sea lions, which we'll have to re-initiate  
8 probably this Fall for the 2002 season. And we're releasing  
9 the pelagic long line for the Atlantic. This will be  
10 released before it's signed, it being what we hope is the  
11 final form. But it will be released.

12           We will take comments for approximately one week,  
13 and then each one of those comments will be reviewed before  
14 we go final and the biological opinion is signed off. We  
15 hope to have it released, as I said, April the sixth, and if  
16 we do then the comments will be accepted until April 13th.  
17 Of course, if there's any delaying the day of April sixth,  
18 then we will delay the file date.

19           The importance of this is, we need to get something  
20 in place before the fishing season starts.

21           The biological opinion as drafted does have  
22 jeopardy for loggerhead or leatherback turtles in the pelagic

1 long line. We have some short term RPAs, which are -- the  
2 short term is the closure of the Northeast distant waters to  
3 pelagic long line, beginning on August the first.

4           It would have gear modifications outside Northeast  
5 distant water from July the first. These are listed here.  
6 The engine placement from the front of the line. These will  
7 be discussed thoroughly in the draft environmental impact,  
8 but it has to do with the gangion (phonetic) -- I can't talk  
9 this morning -- gangion placement and the length of the  
10 gangions. And also, it would require corrodible hooks to be  
11 utilized after December, 2001.

12           The long term RPAs for the draft environmental  
13 impact statement -- I mean, for the draft impact and  
14 statement, will be experimental fishery in the Northeast  
15 distant waters, starting August the first, under the section  
16 10 permit. The target will be a reduction of 65 percent of  
17 the takes. The study will be done for a three-year duration.

18           What we are hoping in this experiment is to develop  
19 newer technologies that could be exported to other countries.

20 We are now working with the Department of State to look at  
21 how we can get internal protection in international  
22 fisheries. We think the way to do that would be through

1 gear.

2           We also will require 100 percent observer coverage,  
3 and we are developing a mechanism to compensate the industry  
4 for having to do the experiment, because we realize there  
5 will be loss of income; and to do the experiments properly,  
6 we feel like that there should be compensation. So we're  
7 developing that.

8           Then we will, out of this, implement effective  
9 measures immediately in the rest of the fleet. And as I  
10 said, we'll continue to pursue the international  
11 negotiations. And in fact, in the year 2002, early 2002, we  
12 will host an international workshop in the U.S.

13           The incidental take statement for the pelagic long  
14 line fishery -- not an experiment; this is -- these do not  
15 include the numbers that will be allowed for the experiment.

16       It will be 438 estimated annual take of leatherbacks, 402  
17 estimated annual loggerhead take, and 35 estimated annual for  
18 green, softshell, and Kemp's-Riddly (phonetic). The  
19 incidental take statement for the section 10 is under  
20 development, and that will be done as quickly as possible.

21           Other measures are the shark drift gillnet fishery.

22       The fishermen must check the nets on a regular basis, no

1 more than two hours, and all HMS fisheries by September the  
2 15th, all vessels must post sea turtle handling guidelines in  
3 the wheelhouse.

4           Once this draft is out, the comments should be  
5 submitted to Bruce Morehead to the address that's here.

6           The two long line biological opinions that are  
7 releasing, both of them have an experimental fishery as part  
8 of the mechanism. In Hawaii, the swordfish fishery has been  
9 closed for the experimental fishery to be allowed to try to  
10 look at gear there. This one we've tried to do an  
11 experimental fishery, under the section 10.

12           Both of them are being done under section 10 rather  
13 than a RPA because we feel like it gives the industry more  
14 protection under the section 10, because we have the  
15 incidental take and we feel like it's better to go that route  
16 for making sure that we have a controlled experiment.

17           The Pascagoula laboratory is continuing to work on  
18 gear modification. I talked to John Watson and got an e-mail  
19 from him this morning. He's working, trying to work with  
20 some of the long line fishermen now, has a meeting set up  
21 with them. And we are committed to try to work with the  
22 industry to find gear modifications.

1           And we realize that the sea turtle issue is a major  
2   issue under the ESA, and as an agency, we are planning to, at  
3   our meeting starting the week of April 16th, to look with the  
4   Northeast and Southeast regions to start a comprehensive  
5   assessment of the turtle populations on the East coast,  
6   including interactions. And based on that, we would look at  
7   how many other fisheries we have to re-initiate consultation  
8   in.

9           We've had, as you're aware, over the last few  
10   years, we've had a problem with the tie down gillnet fishery,  
11   flounder gillnet fishery, in North Carolina. That gear would  
12   not be allowed this year. They would not be allowed to use  
13   large nets, tie down gillnet, in North Carolina. We're  
14   looking at the same type of large mesh gillnets in the  
15   monkfish fishery this year. There will be 100 percent  
16   observer for the experiments going on there to look at the  
17   sea turtle takes, which last year, the data indicates it was  
18   high as about 200 were taken in -- potentially taken in two  
19   months between Virginia and North Carolina.

20           This issue is a tough issue for the industry; it is  
21   a tough issue for the agency. If you look at the Endangered  
22   Species Act, we have to look at each --

1                   (End side A, tape 2.)

2    -- action and determine whether we have a jeopardy or not.  
3    And sometimes it's very difficult when you're looking at a  
4    U.S. industry which is a small part of the total effort in  
5    the industry, and, you know, what we do to our fishermen, the  
6    Japanese or the Spaniards can come in behind us and set gear  
7    that probably does more damage than what our industry is  
8    doing. That's why we have to go to an international arena to  
9    try to look at how we regulate this.

10                  I don't know how many of you know it, but in the  
11    shrimp industry, the Congress passed a law that you cannot  
12    import shrimp into the U.S. unless the country you are  
13    importing from has TEDs, turtle excluder devices, in their  
14    shrimping fleet. And we inspect those on an annual basis,  
15    and we certify if the country is in compliance or not.

16                  I don't know if that's where we need to go on other  
17    type of gear or not, but I think we really have to work hard  
18    with the international community.

19                  That's basically where we are, and you know, I'll  
20    try to answer any questions I can. I think that, you know,  
21    like I say, the drafts will be out and we will respond to the  
22    questions and comments that are made.

1           If, you know, we all -- we will be very responsive.

2       When we released the draft Hawaii, there were some changes  
3       made at the end, so don't think that this is -- that we're  
4       releasing it just for the sake of releasing it. There were a  
5       major change made in the Hawaii long line biological opinion,  
6       once it was released. That was information that came to us  
7       that we may not have looked at it in the way they looked at  
8       it. And so on a re-evaluation, we did make a major change.

9           With that, I hope we have enough people in the room  
10       to answer your questions. Yeah, Glen?

11           GLEN: I just wanted to clarify. The new bi-op  
12       will not find jeopardy for any other fishing or any other  
13       activity for those species?

14           DR. HOGARTH: No, this biological opinion only  
15       looked at the pelagic long line, as far as that action; it  
16       was the only action we looked at in this one.

17           GLEN: And even though recognizing that they're --  
18       relative to other actions, it's a relatively minor source of  
19       mortality?

20           DR. HOGARTH: Yes, because of the ESA, we have to  
21       look at each action and that's what we've done here. Rusty?

22           MR. HUDSON: Good morning, Bill. One question about

1 the shark drift gillnet fishery and the closure that occurred  
2 over the leatherbacks and stuff. Do you know if that's going  
3 to be extended or not, what the status is?

4 DR. HOGARTH: Which one?

5 MR. HUDSON: The five-inch drift gillnets, because  
6 of the leatherback interaction for the past month?

7 DR. HOGARTH: I don't think it is. Nobody's come  
8 to me with it yet, no. No. No. Okay, Bob?

9 MR. PRIDE: Bob Pride from Virginia. Thank you,  
10 Dr. Hogarth, I appreciate that information. We'll look  
11 forward to seeing the report in a few days.

12 The only question I have is, I noticed up there on  
13 this, I see that comments are not accepted by e-mail or  
14 Internet. What is the -- what's the reasoning behind that?

15 DR. HOGARTH: That's a policy that's been in the  
16 agency. It's one that we're looking at now, but the policy  
17 when I started acting was that, it's been that you do not  
18 accept them by e-mail or Internet. We have asked our people  
19 to look at -- I have asked them to look at a way we could,  
20 you know -- one of the concerns is, through e-mail we will  
21 get -- we had gotten a lot of comments that weren't signed or  
22 anything, just looked like a form letter that somehow people



1 got on the mailing list and were just continuing to send.

2           So we are looking at how to take comments  
3 differently, but the decision has not been made yet. It  
4 probably will not be made until the permanent head of NOAH  
5 fisheries gets here, and then that decision will be made.  
6 Bob Hueter?

7           DR. HUETER: Good morning, Bill. Thanks --

8           DR. HOGARTH: How are you doing?

9           DR. HUETER: Great. I just want to mention on this  
10 opinion on the shark drift gillnets, having the fishermen  
11 check the nets on a regular basis will help with the turtle  
12 situation and turtle mortality. It's not going to help with  
13 the bycatch that these nets have with many of the other  
14 species that we're really concerned about, such as tarpon,  
15 sailfish, manna rays and dolphins. Those animals will be  
16 dead before half an hour.

17           So I urge your staff to go much deeper in this, you  
18 know, with these regulations. Consider getting rid of this  
19 gear, or at the very least, make them use it in a different  
20 way so that bycatch is reduced.

21           DR. HOGARTH: Okay. Gail?

22           A PARTICIPANT: Did you get Russ here, too? Russ?

1 DR. HOGARTH: Okay, Gail?

2 MS. JOHNSON: Thank you. Gail Johnson. As you can  
3 imagine, my head's spinning a little bit. I just want to  
4 make sure that I understand, that the New England district is  
5 closed except to observe trips to an experimental fishery.

6 DR. HOGARTH: Mm-hmm.

7 MS. JOHNSON: How many boats will participate, how  
8 are they selected, and is this all -- information all  
9 forthcoming?

10 DR. HOGARTH: That's --

11 MS. JOHNSON: But I just need to know what --

12 DR. HOGARTH: That's all forthcoming. What the  
13 science center is now looking at, the number of sets it would  
14 take to get the information, and that will be in the section  
15 10 permit that will come separately, yes.

16 MS. JOHNSON: So how soon will we know? Because we  
17 have to make some kind of plans, here. We don't know -- this  
18 has changed just about everything.

19 DR. HOGARTH: My understanding, in talking to  
20 Margo, it's about somewhere between 10 to 12 boats that will  
21 be involved in the fishery. The number of sets, I'm not sure  
22 yet.

1                   MS. JOHNSON: So this will be -- you will have a  
2 plan all drawn. Do you have any idea how long it will be  
3 before you know that plan?

4                   DR. HOGARTH: It is my understanding that they're  
5 working on the section 10 permit right now, so that we can  
6 get that out, that it's in the final stages of the  
7 application. You know, we have to do a section 10  
8 application and that will go in the Federal Register. Yes.

9                   MS. JOHNSON: So --

10                  A PARTICIPANT: (Inaudible) explain a little about  
11 that process (inaudible) know (inaudible)?

12                  DR. HOGARTH: Oh, the -- okay. Or do you want to  
13 do it?

14                  A PARTICIPANT: No, I --

15                  DR. HOGARTH: Well, the section 10 permit is, we --  
16 there's a -- what's going to happen here is, the Southeast  
17 Science Center basically will send in -- just do an  
18 application for the experiment. It comes in at protected  
19 resources and highly migratory will review it, and we get it  
20 in form to put in the Federal Register, and it's submitted  
21 for a 30-day comment period. Once we get the comments and  
22 respond to them, then we initiate -- get the section 10

1 permit with the incidental take permit, realizing that you  
2 have to have takes to do an experiment.

3 But we realize that it's more important, or just as  
4 important -- I don't know if it's more important, but just as  
5 important to find some gear technology for the long term as  
6 it is, you know, sometimes to try to save all the turtles  
7 that are dead, that we have to look into long term, and gear  
8 modifications are necessary.

9 MS. JOHNSON: Forgive me if I'm getting too  
10 specific, and tell me because I'll cut it short, but I'm kind  
11 of confused about the experiment. You're -- that's just  
12 quite a few turtles for the incidental take statement, so  
13 will you be trying to see what catches them? Because if you  
14 don't catch them, that's good.

15 DR. HOGARTH: That's right.

16 MS. JOHNSON: But you don't know whether it's  
17 because they're not there or because your gear is different.  
18 When you have that plan, I would be really interested to see  
19 how it works.

20 DR. HOGARTH: Okay. Well, Gail, that's the reason  
21 we're doing it under section 10 with additional incidental  
22 take from it, is that we realize that you got to know whether

1 turtles are present. So you've got to catch turtles; at the  
2 same time, you've got to modify some gear. So it may be gear  
3 that's fishing, the normal gear, then we'll modify gear and  
4 fishing in the same area in some manner.

5 We're trying to take for the gear modifications  
6 things that we got out of the gear technology workshop.  
7 Plus, the Pascagoula Laboratories is looking at using some of  
8 their -- I don't know what you call it, what exactly we call  
9 the turtles, but they have for research purposes at  
10 Pascagoula, to look at, you know, some additional gear  
11 modifications that would be done in a controlled environment,  
12 also.

13 MS. JOHNSON: One more question: do boats apply  
14 for the experimental fishery? Are they chosen? What is it -  
15 - you were talking about compensation, but I remember talking  
16 about the closed area and National Marine Fisheries Service  
17 was saying that there is a -- you know, there is a  
18 possibility of a by out and all this stuff, and that didn't  
19 happen. So my question is, you know, who gets to go? Is it  
20 the agency or the fishermen who volunteer and who are  
21 accepted, whatever, and what is -- do you get to try to catch  
22 your target, or do you just go and try to catch and not catch

1 turtles and get paid for doing that? I'm --

2 DR. HOGARTH: Well, the first trial, we would ask  
3 some volunteers and hope we can accommodate the volunteers  
4 based on the number of sets and effort that we have. You  
5 don't go and just fish for, you know, fish; you do it under  
6 the experimental design. So therefore it does take away  
7 from, you know, your potential to catch; some of the vessels  
8 in particular would not have the same opportunity.

9 That's why we do have -- we do look -- we are  
10 looking at funds we have to make available to compensate,  
11 because we feel like that, you know, you are part of the  
12 research. And we have some cooperative research money this  
13 year for the first time. And the Southeast, for example, and  
14 then have some in the Northeast for the second year.

15 And we want to make sure that this study is done  
16 fairly to the industry and then at the same time gets the  
17 information of a scientific basis that will stand up when we  
18 get through.

19 So it's a combination of -- but we realize turtles  
20 have to be taken. We realize that fishermen can't afford to  
21 go there and just do this for the sake of doing it. And so  
22 we hope -- we want to make it a fair program.

1 Russ?

2 RUSS: I guess until we see the bi-op, my primary  
3 question is really sort of implement -- timing of  
4 implementation, which leads me toward sort of the recent  
5 trend in requests for peer review after rules are released,  
6 which often results in delays. Has this rule been peer  
7 reviewed, or can we expect it to come out and then have  
8 requests for peer reviews which end up delaying it  
9 (inaudible)?

10 DR. HOGARTH: We do not expect any delay, unless  
11 something in the review process shows that we've made major  
12 problems; then we'd have to figure how long that would take.  
13 But the goal is to get this in place. The reason we didn't  
14 extend the emergency rule, we felt like we could get this in  
15 place.

16 The science part of the basis for the biological  
17 opinion, the science aspect, has been peer reviewed. We got  
18 that back. That's one reason we've been a little bit  
19 delayed, because that came back; plus, we had some data that  
20 Jack Musik (phonetic) from Virginia, from the Institute of  
21 Marine Science, had put together some excellent data that we  
22 were looking at.

1                   And we've had the scientists -- well, we're  
2   supposed to have a conference call with him also, within the  
3   last week. I talked to him and some of the points looked  
4   valid to me, and some of them I didn't -- not being involved  
5   in science on a day to day basis, but Joe Powells (phonetic)  
6   and Nancy Thompson were supposed to talk to him, and see if  
7   that made any difference.

8                   A PARTICIPANT: (Inaudible)

9                   DR. HOGARTH: Yeah. Yeah, science is being peer  
10  reviewed, plus we're trying to look at additional data that's  
11  come to light. The industry, from the stand point, too, has  
12  submitted some excellent data on the, you know, the mortality  
13  and the hooking. First it's that you're using the new gear  
14  modifications versus not having the modifications. And so  
15  that was -- it shows that we are making progress from some of  
16  the gear modifications already. So --

17                  Glen?

18                  GLEN: Yeah, speaking of delays, I'm going to ask  
19  for one right up front. Next week, Monday and Tuesday, many  
20  of us that are directly involved with this issue that you're  
21  discussing now will be locked up in an ICCAT advisory  
22  committee meeting.



1 DR. HOGARTH: That's right.

2 GLEN: And since you're planning on just one week  
3 of comment time, we've got a lot of reviewing, and it  
4 basically just cuts out two days that we're going to be able  
5 to focus on the biological opinion. So if there's some way  
6 to start the clock ticking on Wednesday next week, rather  
7 than on Monday, that would be helpful if it, you know, could  
8 be accommodated. I know that sounds almost silly, but --

9 DR. HOGARTH: Well, --

10 GLEN: Two days out of seven is significant for us.

11 DR. HOGARTH: Is it -- I wanted to ask Bruce if the  
12 -- do you think that we're on the schedule it for Friday?

13 MR. MOREHEAD: As far as I know (inaudible).

14 DR. HOGARTH: Okay. Okay, then we'll give you time  
15 to do it.

16 GLEN: Thank you.

17 DR. HOGARTH: I mean, we want everybody to have  
18 time to look at it (inaudible).

19 GLEN: Yeah, I appreciate that. And the other  
20 thing is, you know, just to emphasize a need to focus on the  
21 realities of the impact of the experimental fishery up in the  
22 -- on the Grand Banks fishery, you're down to a fleet that,

1     you know, maybe you can find 12 vessels that were planning on  
2     fishing up there, absent this whole turtle scenario.

3                 I just think you need to be aware of the fact that  
4     if it's too difficult and too costly, you won't find anybody  
5     that will just -- to go fishing. They'll fish somewhere else  
6     or they'll put a different flag on their vessel and fish in  
7     the same place. I mean, we just need to find a way to try to  
8     make that work. That's the reality of it.

9                 DR. HOGARTH: Yeah.

10                GLEN: These are distant water fishermen; they can  
11     go fish anywhere.

12                DR. HOGARTH: Rom?

13                MR. WHITAKER: Rom Whitaker. Good to see you.

14                DR. HOGARTH: (Inaudible.)

15                MR. WHITAKER: My (inaudible) it's been a long  
16     time.

17                DR. HOGARTH: It has been.

18                MR. WHITAKER: We used to see a lot of him in North  
19     Carolina.

20                But while we're talking about turtles, I'm not sure  
21     how the stock assessment's done. I haven't kept up with it.

22     But from just general observations -- and I know they've

1    been a problem in the sound, I'm a little bit familiar with  
2    that, and there seems to be a tremendous amount of turtles in  
3    our sound.

4                   But I'm speaking from the ocean. They're not --  
5    normally fish about 200 days a year, but I literally cannot  
6    go to and where I'm fishing from without running over a sea  
7    turtle -- not running over it, but not paying -- let me  
8    rephrase that: not paying close attention to keep from  
9    running over it.

10                  And I've even -- I'm seeing a big abundance. I  
11    mean, seems to me, I just see a lot of sea turtles, and I've  
12    even had a couple of occasions where the water, maybe we had  
13    a 20 degree change this winter where I had to go 100 or 200  
14    or maybe 400 yards out of my way along this hard edge to keep  
15    -- just to keep from bumping into the sea turtles. There  
16    were literally hundreds of them.

17                  My second point, and I'm going to give everybody a  
18    big laugh on this one, but helium balloons or balloons in  
19    general, I've never seen this addressed, but I'm not kidding  
20    you, every day -- I'm not talking about every other day or  
21    every five days, I'm talking about every day that I'm in the  
22    ocean, I see five to six, seven balloons out there. I mean,

1 I don't know where they come from; I assume they come from  
2 these balloon releases at ball stadiums and cruise ships or  
3 whatever.

4 But I've heard, and it may not be true, but I've  
5 heard that one of the sea turtles' main dives is a jelly  
6 fish, and these sea turtles are certainly getting a bad taste  
7 in their mouth if they're eating these balloons out there.  
8 And I don't know if it impacts their life, but I think it's  
9 something that needs to be addressed and looked at.

10 DR. HOGARTH: Yeah.

11 MR. WHITAKER: And I really feel -- I don't even  
12 like to see them in the ocean anyway; they're plastic and  
13 they shouldn't be there. But I certainly feel sorry for  
14 those sea turtles.

15 DR. HOGARTH: It does impact. There has been some  
16 studies and they've looked at some of that. Yeah, you're  
17 right, it does appear, and which is good, we've more and more  
18 turtles. And we've got to figure out, you know, how this all  
19 works (inaudible) recovered plans.

20 That's why we're trying to, the week of April 23rd,  
21 we're meeting with all the states on the East coast and we're  
22 going to try to work out a plan with the states and see if we

1 can help get them, through the finances, help them get  
2 involved.

3 And we've requested additional money, several  
4 million dollars more, in next year's budget, because we  
5 really need to do a status of the populations. And that's  
6 costly when you have to do aerial surveys and things like  
7 that. But we need to do that, and look at over all  
8 interactions in the populations. And that's going to be  
9 probably about a two year process, but it's got to be done.

10 And I just think turtles on the East coast, they're  
11 potentially a real time bomb for everybody that's working on  
12 the East coast. And so we need to, as an agency, get ahead  
13 of this somewhat and try to get some work done. and we need  
14 to work with the states and with the industry as we do this.

15 MR. WHITAKER: Thank you, Bill, and if I could be  
16 any help --

17 DR. HOGARTH: Nelson and then -- okay, Nelson  
18 first, I guess.

19 MR. BEIDEMAN: Thank you, Bill. Appreciate a  
20 little flexibility in the comments; that's going to be very,  
21 very important.

22 I'm glad that Rom brought up not only those things

1   that go bump in the night, but more importantly, the  
2   balloons. We really need to make a reinvestment in promoting  
3   the marpole (phonetic), no plastics in the water. It is  
4   very, very harmful to the turtles, whether it be fishing line  
5   or balloons, especially. But thank you, that's a big thing.

6    I mean, we really do need to reinvest that across  
7   everybody's awareness.

8           The comparison, those comparisons are from before  
9   the Atlantic fishery was allowed to bring turtles on board  
10   and remove the hook and completely disentangle the turtles.  
11   Those instructions were put out in June of last year, as  
12   compared to before, when we were not allowed to remove them  
13   from the water. And that's a huge (inaudible) that right  
14   there.

15           And also I think it's important that everybody  
16   realize that I believe what is still going on here is an  
17   overall U.S.-type program where certain things are being done  
18   in Hawaii and certain things are being done in the Atlantic  
19   fishery, certain things are being done in, I believe, Mexico  
20   and the Azures, where there's a larger concentration of  
21   turtles so that you can try to find the things that would  
22   avoid sea turtles as quickly as possible, and test that in

1 the specific area, and then export it internationally.

2 But it's an overall program --

3 DR. HOGARTH: Right.

4 MR. BEIDEMAN: -- that has been, you know,  
5 described to me.

6 DR. HOGARTH: Yeah, and the Hawaii science center  
7 is working with the Southeast and Pascagoula, and that  
8 industry is talking. It's an overall program we hope to get  
9 done.

10 Yes, over here.

11 A PARTICIPANT: (Inaudible.)

12 DR. HOGARTH: Okay. (Inaudible.)

13 MR. DEVNEU: Hi, Jack Devneu. A couple of quick  
14 questions and then a comment or two. Can you define  
15 Northeast distant water for me, please?

16 A PARTICIPANT: (Inaudible) ICCAT (inaudible).

17 DR. HOGARTH: Just that. I mean, do you have the  
18 coordinates here of the ICCAT statistical area? We can get  
19 you the coordinates for it.

20 MR. BEIDEMAN: Roughly it's 20 degrees West to 60  
21 degrees West. I think it's 30 or 35 degrees North to I  
22 believe 55 degrees North.

1           MR. DEVNEU: And so it would be that entire area  
2 that you're talking about?

3           DR. HOGARTH: Right now, yes. Yes.

4           MR. DEVNEU: I'd also like to get a definition of  
5 take. Is that any encounters? What's --

6           DR. HOGARTH: Yes.

7           MR. DEVNEU: Take is any encounter at all, whether  
8 -- irrespective of release and mortality or anything.

9           DR. HOGARTH: Yeah. Right.

10          MR. DEVNEU: A couple of comments. I think the  
11 comment period is far too short for an action as significant  
12 as this one appears to be looming. The long line industry  
13 has made the comment before that they are very often offshore  
14 for very long lengths of time, and a week's comment period is  
15 going to completely disenfranchise -- well, maybe not  
16 completely, but very significantly disenfranchise a lot of  
17 the affected user group from comment. So I think that I  
18 would certainly request that that comment period be extended  
19 to at least 30 days, if not 45 days.

20          With respect to the stock assessment, once again,  
21 I've also heard from other people, similar to Rom's comment,  
22 that there is a lot of turtles here. I think that science



1     that this regulation is based on is way out of step with the  
2     reality in the ocean. I think the stock assessment should be  
3     done prior to any type of regulation being instituted.

4             You've already taken measures that will reduce the  
5     take between the measures Nelson alluded to, with respect to  
6     the, you know, the line cutters and the dip nets and being  
7     able to disentangle the -- so you're to get a, you know, much  
8     higher degree of survivability from any take or encounters.

9             So I think there's already measures in place that  
10    have not been evaluated, and I think you've got a stock that  
11    is significantly in better shape than that for which the  
12    science and this rule is based on, and I think you're putting  
13    the cart before the horse putting any type of regulation,  
14    additional to what you have right now, without doing that  
15    stock assessment.

16            The last comment is that, and maybe it's a  
17    question, as well: my level of familiarity is not great on  
18    these issues, but there's a variety of sources of encounters  
19    in addition to long line, and I am mystified as to why the  
20    agency is pursuing just looking at long line at this point,  
21    especially in international waters by a small fleet. There's  
22    a lot of other places that's probably a lot more fertile

1 ground to take a look at the take of these sea turtles, and  
2 the agency, for some reason, has decided to look only here,  
3 at the long line fleet, for the -- you know, in its first  
4 steps.

5           So I would like to comment as to, you know, exactly  
6 what the selection and prioritization process was and why it  
7 is that the agency is looking here, as opposed to elsewhere,  
8 (inaudible).

9           DR. HOGARTH: Well, first off, we're not just  
10 looking here. We even have power plants on the East coast  
11 who have incidental take permits. We have shut down several  
12 fisheries: the, you know, flounder fill net fishery; we've  
13 done drift gillnet fishery; we have time area closures.

14           Most actions that we take that take -- do you --  
15 this one, because it's done in a highly migratory. We do  
16 others under a -- to be done by other agent -- groups in the  
17 agency. But this one's a highly migratory pelagic long line.

18           But drift gillnets we've looked at; we've looked at  
19 the monkfish fishery; the shrimp industry (inaudible) turtle  
20 excluder devices. So, you know, there may be one or two that  
21 have not been looked at, but they will be in the process,  
22 yes, if we're aware of it. If we're aware, it will be done.

1                   And then Wayne, okay? Russ?

2                   RUSS: (Inaudible.)

3                   DR. HOGARTH: Okay. Wayne? By the way, let me  
4 just go back: on the safe report, on page four dash 42, it  
5 has a map that will show you the Northeast distant water.  
6 Wayne?

7                   MR. LEE: Morning, Bill. By the way, the people  
8 may not know here, but Bill resolved a very difficult issue  
9 in summer flounder yesterday, and my congratulations to you  
10 for that effort.

11                   A number of meetings recently that I've gone to,  
12 I've heard comments concerning the fact that the turtles have  
13 gotten large and that the turtle excluder devices may not be  
14 as effective as they were. Have those --

15                   DR. HOGARTH: That's --

16                   MR. LEE: Those kind of comments have any --

17                   MR. HOGARTH: That's true. We are in the process  
18 there of working with the industry. We're looking at what's  
19 called a double flip something or other. But anywhere, there  
20 will be a modification to the gear to take care of that, but  
21 we've been working with the industry through the Gulf and  
22 South Atlantic foundation and through Pascagoula. But there

1 will be modifications made to that.

2 MR. LEE: So that issue is being addressed and will

3 --

4 DR. HOGARTH: That issue --

5 MR. LEE: Okay.

6 DR. HOGARTH: -- will be addressed this year. And  
7 plus -- yeah.

8 MR. LEE: Thank you.

9 DR. HOGARTH: Glen?

10 GLEN: Yeah, sorry, I keep thinking of questions.  
11 But we had gone through an exercise at providing a review and  
12 comment on the serious injury criteria or injury criteria.  
13 Is that incorporated in the new biological opinion, a revised  
14 set of serious injury criteria, as a result of that whole  
15 process?

16 DR. HOGARTH: Yes. (Inaudible) yesterday  
17 (inaudible) was a combination of the (inaudible), the  
18 environmental groups and the state directors. It was a give  
19 and take for about eight hours, it looked like, but we did  
20 resolve it and I think it's to everybody's benefit. So --  
21 Mau?

22 DR. CLAVERIE: (Inaudible.)

1 DR. HOGARTH: What?

2 DR. CLAVERIE: You know when I get home I'm going  
3 to get asked, so let me ask you: these fisheries that are  
4 being impacted by this are not council fisheries; they're  
5 strictly HMS, right?

6 DR. HOGARTH: That's correct.

7 DR. CLAVERIE: And other -- we're familiar with how  
8 it works with the Gulf shrimp fishery, but because it's  
9 really not a council thing, it's an Endangered Species Act  
10 thing, I wasn't sure.

11 DR. HOGARTH: That's --

12 DR. CLAVERIE: So if any of this would happen in a  
13 fishery that the Gulf Council is regulating, would the  
14 council be involved or --

15 DR. HOGARTH: Well, Mau, that's been the question.

16 See, under the Endangered Species Act, we don't have to  
17 consult -- well, I'm not sure. We're looking at the policy,  
18 where it came from. But anyway, in the past, we'd not  
19 consulted when we did a -- you know, under the ESA; we've  
20 done it as an agency action versus the --

21 And, well, the councils have asked for involvement  
22 in the process, and we're looking at how to do that. And

1     that's why we're -- we feel like we can do it through the  
2     NEPA process, if we start early in the game. Some of these,  
3     like this one, you know, have been going on for a while.

4                 But hopefully at all new, you know, consultations  
5     that lead to biological opinion, we'll have everybody  
6     involved from the initial stages doing the NEPA for the  
7     impact statement. But these three we are letting it -- it  
8     can -- this will be sent to the councils also at the same  
9     time, when we release it to the South Atlantic, Mid Atlantic,  
10    and it will go on the website so they'll have access to  
11    review it.

12                But no, under ESA, the council really, as it's  
13    written, is not the action agent at all.

14                DR. CLAVERIE: Okay, well, then there will be no  
15    input from the councils, because of the seven days, the one  
16    week. I mean, we just can't do it.

17                DR. HOGARTH: Except from the staff, the council  
18    staff itself.

19                MR CLAVERIE: The staff?

20                DR. HOGARTH: Yeah.

21                DR. CLAVERIE: Okay.

22                DR. HOGARTH: Nelson?

1           MR. BEIDEMAN: The gear modifications outside the  
2 Northeast distant area for July one, is that more extensive  
3 then, you know, careful handling and release guidelines and  
4 the proper equipment for instituting those guidelines?

5           DR. HOGARTH: The gangion placement and length.

6           MR. BEIDEMAN: The gangion placement and --

7           DR. HOGARTH: Yeah. Yeah. Peter?

8           MR. WEISS: Yeah, Bill, you know, I'm not too  
9 familiar with this issue. Before you got here, we were  
10 discussing whether Nelson's going to get one fish or two fish  
11 or this or that. Nelson, am I right, is this going to put  
12 you guys out of business? I mean, where are you going to  
13 fish?

14           MR. BEIDEMAN: Well, it's tough to tell, Peter.  
15 We're going to have to take a look at the specifics, when the  
16 bi-op comes out, and it's going to be up to each individual  
17 operation that fishes the Grand Banks to figure out whether  
18 they can go up the Grand Banks and be a profitable operation  
19 under the details of the research protocol, etc. It's going  
20 to be a tough call.

21           Some of the things that have been raised, it's like  
22 fishing in less than X temperature, you know, that may have a

1 dramatic affect on targeted catch; or using hook timers, you  
2 know, on half the hooks, that may have the 25 percent effect  
3 on targeted catch.

4           Now, if there's some fair compensation to bring a  
5 boat to its average, you know, trip, then I think that, you  
6 know, you'll get a true, cooperative type of effort from the  
7 fleet. If they don't figure that they can put their nets out  
8 and take all the expense to go up to Grand Banks, and be  
9 hindered on targeted catch and it's not going to be a  
10 profitable trip, there isn't going to be a fair shaking out,  
11 I think that, you know, you'll get very few for an  
12 experimental fishery.

13           So the answer to your question, specifically, is,  
14 we don't know.

15           MR. WEISS: The experimental fishery only  
16 encompasses X amount of boats, doesn't it?

17           MR. BEIDEMAN: Right.

18           MR. WEISS: It doesn't encompass the whole fleet.

19           MR. BEIDEMAN: Last year there was only about seven  
20 to ten; this year, you know, we expect about that same  
21 number. So it's not going to have a big impact on the  
22 bluefin situation.



1           MR. WEISS: Oh, no, I just was bringing it up as a  
2 side line.

3           MR. BEIDEMAN: Okay.

4           MR. WEISS: Because if there's no fleet, then we  
5 don't have to worry about the bluefin situation.

6           MR. BEIDEMAN: Well, there's a more over all issue  
7 in all of this as well, and everybody should keep this in  
8 mind: we're an international fishery. We're working under  
9 ICCAT in international quotas.

10           If the United States fleet does not have the  
11 ability to take its ICCAT quotas, we will lose them. They  
12 won't ask us, they'll just take it. They'll just expand  
13 effort and take it, and the United States will lose it. The  
14 conservation community will lose it out from your umbrella;  
15 the fisheries will lose it.

16           And much worse, even the rough figures that we have  
17 on the international fleets, the problem we're looking at  
18 with them is magnitudes worse than the U.S. fishers. Just a  
19 segment of the Spanish fleet, just on juvenile loggerheads,  
20 we're looking at an estimate of 20,000 animals. And because  
21 they use much smaller hooks, there's a lot of ingestion and  
22 it could exceed 10,700 dead turtles.

1                   A PARTICIPANT:   How many in the U.S.?

2                   MR. BEIDEMAN:   You know, for the U.S., I'm not  
3   positive what the numbers are; I think we exceeded 23, and  
4   that's why we're in this situation.   I'm not positive what  
5   the numbers are on the U.S. off the top of my head.   But it's  
6   magnitudes different.

7                   So if we export our quotas to these other fleets,  
8   the end result is that sea turtles are going further down.  
9   So what we really need to do is to find some ways to make the  
10   gear less attractive, to find the ways of avoiding the  
11   turtles and mitigating any harm, as best what we can while  
12   we're still keeping a viable fishery.

13                  And that's going to be a tough balance.   Because,  
14   you know, National Marine Fisheries Service needs to realize  
15   that up front, and it's going to be a really tough situation,  
16   you know, decision, depending on what comes out in the  
17   details of that experiment, whether an operation will, you  
18   know, take the chance of going up the Grand Banks; that's a  
19   30, \$40,000 expense.   It's an entire month, you know, which  
20   can be 25 percent of a Grand Bank, you know, operations year.  
21   Whether they'll take that chance, under X protocol, thinking  
22   that they will be, you know, fairly compensated to do the

1 research and, you know, come back and be a viable trip.

2           It's going to be tricky, but what would be the  
3 absolute best, if we can get there and I hope we can, is if  
4 we have an absolutely truly cooperative effort that the  
5 Pacific, the Atlantic roll up their sleeves, try to find some  
6 solutions to this.

7           Because if we don't, it's another one of them  
8 situations that the U.S. is such a small part of the problem  
9 that we're just going to watch turtles in the Atlantic go  
10 down and down and down. And they're talking extinction in  
11 the Pacific. They've had some beaches go from 30,000 mess to  
12 two. We don't have that situation in the Atlantic yet; in  
13 fact, our populations look like they're going up, most of the  
14 populations.

15           But it is a tremendously serious over all problem,  
16 and I don't think that the U.S. fleet would mind being used  
17 to try to find the solution, as long as it's truly 100  
18 percent absolutely, you know, a combined, cooperative, fair  
19 effort.

20           Because they can't sail for no profit; they can't  
21 do it. And we won't get the research done and the Atlantic  
22 wide situation will continue to get worse and worse.

1           And it will come into that every HMS fishery has  
2   some interactions with these sea turtles. It's not just us.  
3   You know, again, we're being thrust out there in front, you  
4   know.

5           RUSSELL: Yeah, just, I want to say I agree with  
6   almost everything that you just said. I mean, the  
7   international component is absolutely critical. Their takes  
8   are substantially higher than the U.S., so we have to find a  
9   way to address this. And certainly I think, properly  
10   structured, we could get behind research programs that help  
11   you guys get by.

12           The two points where I have a little trouble with  
13   what you said was, you know, we do have to do what our laws  
14   say, what ESA dictates, what Magnuson dictates, and I know  
15   you don't disagree with that. And just the last point was,  
16   with ICCAT, I don't want people to leave here with the  
17   impression of, suddenly our quota's going to disappear. We  
18   all know that ICCAT is a consensus body and so they won't,  
19   and in fact, can't take away our quota unless the U.S.  
20   consents to it. That doesn't mean they won't take it  
21   illegally, but they're going to do that regardless of what  
22   our quota is, anyway. So --

1           A PARTICIPANT: (Inaudible.)

2           RUSSELL: Just that ICCAT is a -- since it's a  
3 consensus body, they cannot take away our quota unless we  
4 consent to it. And so while they may take it --

5           A PARTICIPANT: (Inaudible.)

6           RUSSELL: It's not a consensus body?

7           A PARTICIPANT: (Inaudible.)

8           A PARTICIPANT: Russell, the problem is, and we  
9 need to learn from experience, we've already been through  
10 this one time, you know. We had a recommendation for the  
11 minors to hold the line, and the minors expanded from six  
12 percent to 26 percent, and took over all the conservation  
13 benefit of Spain and the U.S., reducing to 15 percent  
14 mortality.

15           It happens automatically. Companies look at what's  
16 taking place: total Atlantic catch wise, and if that total  
17 allowable catch isn't being taken, they build boats without  
18 asking their governments or anything else. And if that  
19 backing is automatically filled, and usually tremendously  
20 over filled.

21           RUSSELL: Well, like I said, they may take it  
22 legally or not, but we are not going to lose our 29 and a

1 half percent quota share, which we've been --

2 GLEN: I'm sorry, I had to respond to that. Russ,  
3 I don't know what ICCAT experience or knowledge you're  
4 operating on there, but that's an absolutely incorrect  
5 statement for the purposes of the crowd here. We will lose  
6 our quota.

7 These quotas have to be re-negotiated on a -- every  
8 three years. The primary basis of a nation to qualify and  
9 successfully negotiate its quota share of whatever the total  
10 allowable catch is, the primary criterion that's been used to  
11 date has been your historical participation, your utilization  
12 of the fishery.

13 I think what Russ is trying to imagine is that day  
14 when a nation like the United States could actually reserve a  
15 quota and not use it, and just let it sit there for the --  
16 just so we would know there were fish out there in the ocean  
17 and that would feel good when we went to bed at night.

18 The reality is, that fish will be reallocated to  
19 nations that are killing several orders of magnitude more sea  
20 turtles every day; they have sets that far exceed, individual  
21 sets, that far exceed the entire mortality of our entire  
22 Grand Banks fleet in a season. Tens of thousands of turtles

1 are being killed by these fleets. We kill what, 23? That's  
2 our issue, 23 turtles.

3 I congratulate the sea turtle conservation  
4 community for really taking on the big issue there in saving  
5 turtles, but I mean, let's get real, Russ: that fish is  
6 going to be reallocated to Spain, to Portugal, to Japan and  
7 absolutely no sea turtle conservation regime -- efforts to  
8 negotiate one is certainly appropriate and proper and the  
9 State Department should start on that. My guess is that if  
10 you can do that in the next ten years, you'd call that a big  
11 success.

12 You will never accomplish sea turtle conservation  
13 in the pelagic long line fleets of these other nations in our  
14 careers, I'll tell you that right now. We cannot get to this  
15 directed species conservation, much less bycatch  
16 conservation.

17 Don't mean to be rude, don't mean to be harsh.  
18 It's reality.

19 RUSSELL: I don't disagree that sea turtle  
20 conservation is not going to happen without the international  
21 forum, but the issue I raised was that the U.S. quota can't  
22 be changed unless we consent. If we object to the agreements

1     that are raised, the status quo stays in place.

2             GLEN:   If we object and --

3             RUSSELL:  Is that correct or not?

4             GLEN:   We would file an objection?

5             RUSSELL:  No, no, if we --

6             GLEN:   To a quota that allows us to not catch fish?

7             RUSSELL:  If we object to changing the current  
8     allocation at quota -- I mean, allocation at ICCAT, then the  
9     current regs will stay in place.  And so those fish, that  
10    percentage, our allocation, can only change if the U.S.  
11    consents to it, and you know that.

12            GLEN:   No, that is not the case, Russ.

13            RUSSELL:  Yes.

14            GLEN:   It is not the case.  Every year at ICCAT,  
15    recommendations are adopted that some nations don't like.  
16    They have the option to file an objection to that if they  
17    don't like it.  So what you're suggesting is that the United  
18    States would formally file an objection, which it has never  
19    done at ICCAT and I can assure you it's not going to happen  
20    under much more severe situations than this.

21            But what you would suggest, so everyone  
22    understands, is that the United States would file a formal



1 objection, something that is very negative on other  
2 countries, doing in the first place, but we would do this  
3 just so that we could sit on some quota that our fishermen  
4 cannot and will not use, just to prevent other nations who  
5 can use it, and this is quota that is scientifically  
6 justified a sustainable fishery rebuilding.

7           What negotiating strategy would you propose I would  
8 use to successfully negotiate a situation where they would  
9 allow us to sit on quota, or that I would convince the United  
10 States government to file an objection to a recommendation  
11 that didn't allow us to sit on quota. This is preposterous,  
12 people, this is preposterous. This only -- this reality  
13 occurs in the minds and imaginations of people that are  
14 really not part of the process. Thank you.

15           A PARTICIPANT: Yeah, a couple of quick -- yeah,  
16 just to that point, the United States has never objected to a  
17 recommendation, Russell, nor would it. It's the antithesis  
18 of what we're trying to do internationally. So it would not  
19 happen.

20           Not only that, ICCAT, the body is looking for any  
21 possible quota they can get for the reallocation criteria for  
22 the merging coastal states and the nations they want to bring

1     into the whole process. So they're looking for places they  
2     can get quota.

3             The last comment I would make is that not only --  
4     further to Nelson's point, not only are we a small part of  
5     the problem, we are the only part of the solution. And that  
6     will go away. We are the only part of the solution out there  
7     right now.

8             And what the proposal here is, is so the  
9     environmental industry can go ahead and put up a poster child  
10    for no conservation bang. It's a negative conservation bang.  
11    It's going nowhere. It's unfortunate and it's pandering to,  
12    you know, fund raising. And I don't even want to get started  
13    on where the environmental industry's true intentions are  
14    with this, but it's not with turtle conservation.

15            A PARTICIPANT: Jack covered my concern raising the  
16    coast -- developing coastal states issues, certainly with the  
17    reallocation conference coming up, the other -- ICCAT's going  
18    to be looking at ways and reasons to transfer quota. I don't  
19    want to raise a headache, but Glen, in light of the reality -  
20    -

21            A PARTICIPANT: (Inaudible.)

22            A PARTICIPANT: Yeah, I'm sorry, I've got some

1    excedrin. In light of the realities and the difficulties and  
2    challenges with sea turtle conservation and the international  
3    challenges we have, is ICCAT an arena where this should be  
4    raised, or a separate arena?

5                GLEN: I think it's a convenient forum To raise the  
6    issue, just to make people aware. Do I envision a day in my  
7    career that ICCAT will adopt sea turtle bycatch restrictions  
8    on their fisheries? Absolutely not. Do I think that any  
9    international regime is likely to develop that will actually  
10   be complied with and enforced in my career? No, I do not. I  
11   think it's a very sad statement, but I think it's reality.

12               And perhaps you'll see a country like Canada take  
13   measures because they have a very similar culture and  
14   situation as we do, but they are a minuscule part of the  
15   problem, as well, even less minuscule -- more minuscule than  
16   we are.

17               But the day I see Spain compromise their swordfish  
18   quota in deference to sea turtle conservation; Japan;  
19   Portugal; any of the others in the South Atlantic where I  
20   assume there's turtles there, too, no one knows, no one  
21   cares; Brazil; Uruguay; South Africa; Northern African  
22   countries? Give me a break.

1           And that doesn't even get me to the non-member  
2   nations and those nations like Taiwan, PRC, People's Republic  
3   of China, building enormous long line fleets to fish in the  
4   Atlantic, this is a joke.

5           We are not having a biologically measurable effect  
6   on sea turtle populations by what this will do. We are  
7   responding to the politics. I respect what the agency has to  
8   do; that's the reality of living in America. Are we saving  
9   the sea turtle populations? Absolutely not. No one can look  
10   you in the eye and say that.

11           We did the same thing in the Pacific. Is saving  
12   three leatherback turtles, or whatever the ridiculous number  
13   was in the Pacific, going to restore the leatherback  
14   population while all those fleets that I just mentioned are  
15   fishing in the same area at the same time that we just kicked  
16   our puny U.S. fleet out of? Absolutely not, but that's what  
17   the law makes us do. That's it.

18           A PARTICIPANT: And I was recognizing and  
19   anticipating you were going to say that, but you are not  
20   advocating that this issue be raised at all by the U.S.  
21   delegation at ICCAT?

22           GLEN: I'll be glad to raise it for humor purposes,

1     sure.

2                   A PARTICIPANT:   I mean, or do it as -- well, no, I  
3     mean, does it -- but it doesn't have any real leverage  
4     benefit at all.

5                   GLEN:   Other than to bring an awareness and have  
6     the other delegations go back to their delegation rooms and  
7     snicker about, look what the stupid United States did to  
8     themselves again.

9                   MR. GARENZA:   Bill Garenza of Bowdoinham, Maine.   I  
10    get the feeling we were just rearranging the deck chairs on  
11    the Titanic here.   With all due respect, in 1997, the world  
12    caught about 50,000 metric tons of swordfish.   Last -- in  
13    1999, and these are estimates; I think I've got the fairly  
14    close -- about 21,000 metric tons got imported into this  
15    country.   Imported, not what we caught.   I think we did about  
16    a little over 3,000 total in the Atlantic.

17                   But I'm troubled that an increasing percentage of  
18    our swordfish comes from outside this country, and we're  
19    forcing more of it in that direction.   In effect, we're  
20    rewarding countries that don't subscribe to our passion for  
21    the ecology, and I hope that this is going to lead somewhere.  
22    I hope that we're going to get some bang for all the

1 sacrifices that this industry is going to be making.

2           Because what I've learned is that we can take all  
3 the rec guys and put them all out of business tomorrow, and  
4 you can take all the commercial guys and put them all out of  
5 business tomorrow, and it won't help any of the highly  
6 migratory species come back and it won't help any of the  
7 turtles or anything else. If anything, it'll take us off the  
8 stage of that kind of fishery and we'll lose our voice.

9           I mean, up and down the coast, we're taking long  
10 liners and putting them out of business. These are people  
11 that feed Americans, and we're forcing ourselves to eat  
12 foreign fish. I don't view that as a bad thing, but I think  
13 we've got to think about what we're doing, because we're  
14 rushing to feel good about saving turtles, but we're not  
15 going to save any.

16           Unless we can take this sacrifice and turn it into  
17 something positive, then I don't see the point. And I hope  
18 that we can find something positive to get out of this.

19 Thank you.

20           A PARTICIPANT: I just wanted to add one point to  
21 what Glen was saying to Russ in particular: we're about to  
22 go in May into our third allocation criteria meeting, and I

1 think everybody appreciates how important the allocation  
2 criteria process is.

3           And at the first two meetings, the United States,  
4 Japan and the European Union, certainly three of the biggest  
5 players we have, have emphasized and put on the top of the  
6 list for allocation criteria, performance information,  
7 historical performance information and continuing performance  
8 information. It's kind of -- the concept is kind of, use it  
9 or lose it. And I think the swordfish fleet has already  
10 heard about this is in the South Atlantic.

11           It's just, as Glen says, preposterous to think that  
12 we're going to be able to bank 29 percent and say, here's  
13 another extra conservation sacrifice by the U.S. industry.  
14 Here, Spain; here, Japan; here everybody else, get up on the  
15 Grand Banks and put a couple of extra boats up there, you got  
16 another 3,000 metric tons to share and work on, go have at it  
17 without any conservation for the turtle. Thank you.

18           MR. BEIDEMAN: I appreciate the support a lot of  
19 the comments that have come out, and what Glen explained is  
20 the absolute hard reality. Just for a minute, I'd like to  
21 say, but, and go a little bit into what maybe a more bright  
22 future could be.

1           We've got the ESA, and we have to deal with it,  
2   right, wrong or indifferent. We have to deal with it, the  
3   agency has to deal with it. But if we can find a truly  
4   effective and truly practical, meaning insignificant impact  
5   on targeted catch, or acceptable levels of, you know,  
6   changing the ways and an acceptable level of impacts on  
7   targeted catch, if we could find that, whether it be a silver  
8   bullet or a combination of things, then sea turtles in the  
9   Atlantic may have a chance. If we can't, they don't.

10           And it's not going to be our fault. It's not going  
11   to be the National Marine Fisheries Service fault. It's  
12   going to be the reality of the situation that Glen very  
13   accurately laid out.

14           So, you know, this is a pretty desperate situation.  
15   It's desperate for our little fishery that's been reduced to  
16   nothing already. It's desperate for the United States, if it  
17   truly wants to do something for Atlantic sea turtles.

18           But it's all going to be in whether an effective  
19   and practical -- it has to be practical to be exported to  
20   these other countries, and these other countries, you know,  
21   they're not going to readily take anything and shove it down  
22   their fishermen's throats. We want something that the



1 fishermen are going to say, hey, that keeps me away from  
2 turtles, doesn't affect my catch, the United States isn't  
3 going to be constantly coming after me in the international  
4 forum if I clean up my act before --

5 (End side A, tape 3.)

6 -- it's a problem on that level, which probably would take 10  
7 years. That's what we're looking for, a miracle, and the  
8 only way is going to be to truly work together.

9 And the environmental industry, I'd like to be able  
10 to say right here that if Bill and the agency need money to  
11 make this a fair program, I can call Russ and Dave, and they  
12 will immediately go up the Hill and help us get that money,  
13 because they understand what's all at stake here and the  
14 bigger picture, and people will drop their agendas of putting  
15 the U.S. pelagic long line fishery out of business.

16 BOB: I've got two questions. The international  
17 fleets that are catching turtles, are they landing the  
18 turtles for sale and consumption?

19 A PARTICIPANT: God, I suspect at some level more  
20 on the artisanal level, you do find turtle consumption,  
21 perhaps even in Southeast Asia. But no -- BOB: The  
22 Spanish fleet that you mentioned that lands all these fish,

1     they're just killing the fish, they're not bringing them in?

2             A PARTICIPANT:   I'm sorry?

3             BOB:   The turtles.

4             A PARTICIPANT:   Turtles.

5             A PARTICIPANT:   Yeah.

6             A PARTICIPANT:   Right.

7             BOB:   (Inaudible.)   The second question I have --

8             A PARTICIPANT:   I think there's some degree of  
9     take, but I don't think there's an international turtle  
10    fishery going on out here, no.

11            A PARTICIPANT:   No.

12            A PARTICIPANT:   Not that I'm aware of, but there  
13    are some countries such as Indonesia right now, that are not  
14    protecting the nesting beaches there and people are using the  
15    eggs, taking the eggs.   And also, we do know some countries,  
16    and we're trying to see if we can get some programs going  
17    with Indonesia like we have with Mexico, but it's very  
18    difficult.   They just -- they have a different philosophy,  
19    and so --

20            BOB:   That was just a matter of curiosity, if these  
21    turtles were being killed and utilized or if they were just  
22    being encountered and some were dying and some weren't.   So

1 we really -- I guess we really don't know how many they're  
2 killing if they're not bringing them back to the docks.

3 The second question I had, and I got kind of lost  
4 in the discussion, I apologize if it's my fault, but I really  
5 lost the thread of how we got from protecting sea turtles to  
6 losing our bluefin tuna allocation at ICCAT.

7 DR. HOGARTH: Swordfish allocation.

8 A PARTICIPANT: Okay --

9 BOB: I thought we were talking about bluefin tuna.

10 DR. HOGARTH: No.

11 BOB: But even -- all right, swordfish, I mean, how  
12 do we get from protecting a few turtles with some gear  
13 modifications to losing our swordfish allocation? Can  
14 somebody run that by me real fast?

15 DR. HOGARTH: Because basically, your allocation  
16 from ICCAT is based on your catches and your allocated a  
17 certain percentage. And, you know, they'll try and -- they  
18 always try to get additional quota for additional countries.  
19 and if you're not taking your quota, there's always, during  
20 the allocation battle, to try to reduce your percentage and  
21 give it to someone else.

22 And so if we're putting such restrictions on our

1 industry that they'll drop our percentage from 29 to say 20  
2 or 15, then there would be a move by the other countries to  
3 take that, to reduce our quota by the amount that we're, you  
4 know, not catching.

5 BOB: Do we really sit here at this table and  
6 believe that the turtle restrictions that you've proposed  
7 would reduce our take by any stretch of the imagination?

8 DR. HOGARTH: Oh, yes. Yeah. Bob, we -- for  
9 example, we just shut down the swordfish fishery in Hawaii  
10 totally, for (inaudible) leatherback turtles, Pacific  
11 leatherback, which is becoming almost extinct. But we did  
12 shut it down.

13 Now, we're going to let them fish under the  
14 experiment, so they'll probably still land some swordfish,  
15 but yeah, we shut down the U.S. portion in Hawaii, the  
16 Pacific, of the turtle -- swordfish that we landed.

17 A PARTICIPANT: Maybe I could just shed a little  
18 more light in tangible numbers. But the Grand Banks fleet,  
19 for example, just that alone has represented 20 to 40 percent  
20 of the U.S. harvest.

21 Swordfish aren't just everywhere you go in the  
22 ocean; they're in certain places. And the ocean is not a

1 homogenous situation; there's edges of currents and a very,  
2 very narrowly defined area where you find concentrations of  
3 sea life, including swordfish, along the edges of the Gulf --  
4 Northern side of the Gulf Stream, in particular, up there.

5 And so that alone would eliminate 20 to 40 percent  
6 of the U.S. annual harvest.

7 Now, if the gear modifications, for example, that  
8 are imposed on the remaining 60 to 80 percent of the fleet,  
9 or harvest, or in some way reduce the catch per unit effort  
10 or they, you know, some way interfere with the success rate  
11 of those fisheries, then there will be further reductions in  
12 the U.S. harvest.

13 It's a closed fishery. It's a limited access  
14 fishery. And the U.S. already -- and then we've just drawn  
15 big circles around 180,000 or 150,000 square miles of ocean  
16 to ostensibly protect small swordfish and billfish. There's  
17 not much ocean left out there.

18 So there's a very real -- I won't even say  
19 possibility, I'd say probability, that the U.S. will no  
20 longer be able to harvest its ICCAT quota. And this will  
21 only exacerbate that situation, substantially.

22 A PARTICIPANT: Thank you for those clarifications.

1           A PARTICIPANT: I could just add to it, Bob, part  
2 of the institutional problem is that the charter at ICCAT  
3 calls for maximum sustainable catch as being the primary  
4 objective.

5           And when swordfish is rebuilt within the next seven  
6 or ten years and the MSY is 14 or 15,000 metric tons and  
7 there's this big, glaring hole year after year, some portion  
8 of 30 percent that the U.S. can't catch, the other countries  
9 are going to be looking at that with gleaming eyes, saying  
10 look, the charter at ICCAT says maximum sustainable catch;  
11 somebody's not performing, so therefore we need to reallocate  
12 and take care of this problem so that the ICCAT charter can  
13 be achieved.

14           BOB: I kind of find it's unreasonable to assume  
15 that we won't innovate in our fisheries, change our gear,  
16 shift the allocation to different gear types or do something  
17 else to retain the quota. So I think the argument in the  
18 short term is fairly specious.

19           DR. HOGARTH: Mau?

20           DR. CLAVERIE: Thank you, Bill. Well, this is an  
21 Endangered Species Act problem, isn't it?

22           DR. HOGARTH: Yes.

1 DR. CLAVERIE: And we would lose our share of the  
2 swordfish quota because other nations are continuing to take  
3 their share, or would even increase and take our share. But  
4 if we expanded the Endangered Species Act to site these,  
5 wouldn't that put all nations at an equal disadvantage, so to  
6 speak, so we could retain our percentage?

7 A PARTICIPANT: And how would we do that, Mau?

8 A PARTICIPANT: Good luck.

9 DR. CLAVERIE: Well, I don't know how you do that.  
10 I've never done it. And --

11 A PARTICIPANT: No one else in this room knows,  
12 either, Mau, or in the entire world, so --

13 DR. CLAVERIE: Now wait a minute, I thought that  
14 our Endangered Species Act was a local version of CITIES to  
15 some extent.

16 A PARTICIPANT: No, no, it's not.

17 DR. HOGARTH: No.

18 DR. CLAVERIE: And if it gets to the point where  
19 it's endangered, that is CITIES too --

20 A PARTICIPANT: Well, first of all, CITIES stands  
21 for the Convention on International Trade In Endangered  
22 Species of --

1 DR. HOGARTH: Sund (phonetic)?

2 A PARTICIPANT: -- fauna and flora or flora and  
3 fauna (inaudible).

4 DR. HOGARTH: Sund, I think it --

5 A PARTICIPANT: Precisely, thank you.

6 DR. CLAVERIE: Oh, so these aren't being traded  
7 inside (inaudible). Okay, I got you.

8 DR. HOGARTH: Okay.

9 DR. CLAVERIE: Well, Nelson, I hope you find some  
10 magic, but I can give you a little bit of hope for that: the  
11 Crystal River Power plant needed to do maintenance dredging  
12 on their in and out channels for hot water and cold water,  
13 cold water in, hot water out, and the turtle people would  
14 basically shut down that project until they went out and on  
15 the dredge barge they purchased a sonar unit at the corner  
16 boat store that we all put on or boats, you know, even the  
17 little recreational boats, and that solved the whole problem  
18 for under \$1,000. You know, that was the end of the problem.  
19 So I hope you all can come up with something that  
20 simple.

21 DR. HOGARTH: Sonja?

22 MS. FORDHAM: Sonja Fordham, Center for Marine



1 Conservation. I have to believe that somebody here knows  
2 more about this issue than I do, and I don't know enough  
3 about it, but there is a new international treaty for turtles  
4 that has been negotiated. I do know that CMC and a number of  
5 environmental organizations that are concerned with sea  
6 turtles have worked very hard on this agreement. Perhaps  
7 someone from the staff can give us more information, or  
8 perhaps if there really is this much interest, we could have  
9 a presentation scheduled for the next AP meeting to tell us  
10 about the progress on that treaty.

11 I would think that if there really is all of this  
12 concern from all these different segments about the  
13 international problems for sea turtles, that we would look  
14 for ways to work together to make sure that this treaty does  
15 enter into force, and that it can become the best agreement  
16 possible to address a whole host of international threats,  
17 fishing and non fishing, to turtles around the world. Thank  
18 you.

19 MS. PERCY: Thank you. Pat Percy. I'm probably  
20 going to ask whoever is going to be the most concise, whether  
21 it's going to be Glen or Nelson, a question, but from what I  
22 understand from what you've been saying on the United States

1 quota, it's what my sons would say, use it or lose it  
2 proposition.

3 A PARTICIPANT: Yes.

4 MS. PERCY: Okay. And but that would -- so that  
5 would mean, from what Bill Garenza had said about, we import  
6 20 million -- 20,000 metric tons of swordfish; domestically  
7 we have more or less seven million of swordfish. And that  
8 would be spread out to all the other countries that belong to  
9 ICCAT, because they would immediately pounce on it, want to  
10 pounce on that because it's a use it or lose it proposition  
11 within three years. Well, I kind of see this going away  
12 within three years.

13 So we'd still be getting swordfish, but not from  
14 U.S. fishermen, and not really helping any turtles, if no  
15 other countries have the kind of strengths we have? Would  
16 that be a fair assessment of what everyone has said?

17 DR. HOGARTH: I think that's the -- you know, if  
18 you look at the total effort of the U.S. fleet, it's about  
19 what, six percent, four to six percent? And so, you know,  
20 that's -- you know, and they -- we have a more -- a greater  
21 program to try to save turtles than the foreign countries do.  
22 It's not a priority for them what so ever.

1           Now, there are some other conventions, like the  
2 multi-lateral conference that's being developed now. It does  
3 have sea turtles as part of the process. The ITTC, which is  
4 International Tropical Tuna, has finally got sea turtles;  
5 nothing's been done yet, but they are part of the bycatch,  
6 you know, issue there.

7           But, you know, it's got to be gear. And I think we  
8 can -- you know, I have a lot of faith in our industry and  
9 there are people in Pascagoula and (inaudible) that we can,  
10 if we put our minds to this, then we can develop some gear  
11 modifications.

12           But I don't think any one group, you know, should  
13 get hit for the fact that, you know, we are doing what we're  
14 doing. It's the Endangered Species Act which is the law of  
15 the land.

16           And that law is a pretty tough law, but it seems to  
17 survive. And when it comes time to make major modifications  
18 to it, it does it. And I think that's because the American  
19 public as a whole doesn't want sea turtles harmed. They  
20 don't want dolphin harmed. They don't want, you know,  
21 flipper harmed. They don't want these sea lions. And that's  
22 what you're dealing with, you know. It's not just -- it's

1 not environmental groups, it's not fishing groups, it's not -  
2 - it's basically the general public, when it comes to it.

3 And it's a tough law. And, you know, we try to  
4 work the best we can within it.

5 And I think the answer to your other question is, I  
6 think, if I'm not wrong, it's about 21 percent of the  
7 swordfish consumed in the U.S. are imported right now, 21  
8 percent.

9 MS. PERCY: Well, I thank you for that, but it  
10 seems to me what we're talking about now is not benefitting  
11 turtles in the aggregate. It just doesn't seem like a  
12 terrific solution.

13 DR. HOGARTH: Well, the law says that we have to  
14 look at each, individual action, and that's what, you know,  
15 we've tried to do. But yeah, you're right, if you look at it  
16 from, what is it doing for sea turtles across the world. It  
17 doesn't, because of the way these turtles move and the impact  
18 they have and the nesting site, it's not really -- what we do  
19 as the U.S., has very mildly impacted at the present time.

20 We have to work through, you know, FAO and all  
21 these international groups, to try to get something done.  
22 And we need to develop technology that we can transfer, and I

1 think that's what our goal is, and I think it's what the  
2 industry's goal is. I know the Hawaii long line fish -- when  
3 -- they even offered to put up money to work on nesting  
4 features and things like that. So I think that the industry,  
5 as well as -- it's what our goal is.

6 Okay (inaudible). Nelson? Because he was our  
7 first -- (inaudible) it's between the two of you all.

8 A PARTICIPANT: Well, actually, I just wanted to --  
9 I'm sure you mis-spoke when you said that 21 percent in  
10 imported; actually, 21 percent is domestic and --

11 DR. HOGARTH: Yeah. Yeah.

12 A PARTICIPANT: -- the rest is imported.

13 DR. HOGARTH: Yeah, that's right. Yeah.

14 A PARTICIPANT: Yeah, we're a very small portion  
15 of the consumption.

16 DR. HOGARTH: Bill?

17 MR. GARENZA: Thank you, sir. Bill Garenza. As a  
18 member of the American public, I, too, want to go on record  
19 saying that I don't want to see the turtle population leave  
20 this planet, or dolphins or manatees or anything else, and  
21 they've very important to me and my children.

22 I've been involved in the Northeast, where we went

1 through a lot of sacrifices and it's starting to pay off.

2 And that's my point, is don't waste this opportunity here.

3           The industry is going to take a big hit on this  
4 one, and we may potentially lose the swordfish fishery,  
5 period. But it's all for nothing if it doesn't go anywhere,  
6 if you can't take it down the road and force other countries  
7 to get on board with turtle conservation. It's a pointless  
8 act, because we're going to save 100 or 200 turtles and watch  
9 hundreds of thousands of them die.

10           And I mean, if the real goal here is to get rid the  
11 long line fishery, let's be honest about it. If it's about  
12 turtles, then let's save some turtles. But this doesn't  
13 really save the turtles. If anything, we're going to see  
14 boats re-flag and they won't care as much about turtles and  
15 it'll do more harm than good. And I want to see something  
16 that works, not just for the fleet but for turtles, as well.  
17 Thank you, sir.

18           DR. HOGARTH: Nelson?

19           MR. BEIDERMA: Yeah, I just wanted to clarify it a  
20 little bit. It's not just swordfish, but it's all species  
21 U.S., all future allocations U.S., because everything does go  
22 by history and performance.

1           Also, in response to Mau, what I'm hoping right now  
2   that we can get past the first largest hurdle, and that's  
3   whether the program is going to be reasonable enough and fair  
4   enough that U.S. vessels will step up to the plate and say, I  
5   want to, you know, go up to the Grand Banks with an observer  
6   on board and work under these protocols. Because that's  
7   going to be the first big hurdle, and it's going to be  
8   individual operations' decision.

9           DR. HOGARTH: Folks, I just wanted to I guess bring  
10   this to a close. I guess we've had a good discussion, and  
11   the biological opinion will be out Friday. We will look at,  
12   you know, trying to give you a sufficient time to look at it.

13   It's just critical to get this in so the fishermen can get  
14   back, you know, to fish, but we will look at the schedule,  
15   and when we put it out, you know, kind of be a little bit  
16   more realistic in the comment period.

17           I want to thank all of you, and it looks like  
18   probably be working a little bit more with ICCAT until things  
19   get straight, so I will try to free my calendar in the future  
20   so I can be available to work with you until we get things  
21   straight within the agency.

22           It's always nice to see you and to meet with you.

1 It's a good (inaudible). Thanks.

2 MR. ROGERS: I think we'll just go ahead and break  
3 for lunch now. What we'll do when we return, how about  
4 promptly at 1:00.

5 I think we had 1:15 on the agenda, but let's try  
6 for 1:00 since we're breaking a little bit early, here, and  
7 we'll pick up that bluefin tuna incidental catch discussion,  
8 hopefully come to closure on that pretty quickly, and then we  
9 can move into other matters. I know Sonja wanted to speak  
10 somewhat on the safe report. Any other issues, we definitely  
11 want to have a discussion with the panel on the structure and  
12 functioning, if that can be improved in any way, if the panel  
13 has any ideas on that. So let's be back here promptly at  
14 1:00.

15 (Interruption to tape.)

16 MR. ROGERS: Target requirements, target catch  
17 requirements. I had some bagels, but bagels take so long to  
18 chew, you don't have much time.

19 (Interruption to tape.)

20 MR. ROGERS: We did have a few more panel members  
21 who had wished to speak on the subject of bluefin tuna,  
22 target catch requirements, the bluefin tuna incidental catch



1 and the target catch requirements for the long line fleet. I  
2 guess Kim had spoken, Peter had spoken. No, Peter --

3 A PARTICIPANT: Peter might have wanted to speak  
4 again.

5 MR. ROGERS: Okay.

6 A PARTICIPANT: (Inaudible.)

7 MR. ROGERS: Okay, we had Peter Weiss; are you  
8 ready to revisit our --

9 A PARTICIPANT: He's all done.

10 MR. ROGERS: You're all done, okay.

11 A PARTICIPANT: (Inaudible) the shuttle to  
12 National.

13 MR. ROGERS: The shuttle to National. Just as soon  
14 as we get done we'll get you on the shuttle. Okay, where's  
15 the -- oh.

16 A PARTICIPANT: (Inaudible) delay it.

17 A PARTICIPANT: No, I'm not going to delay it.  
18 Hammer, what's your favorite -- Hammer? What's your number  
19 one option? I mean, what -- you know, you gave us three  
20 options. Yeah.

21 A PARTICIPANT: I don't know (inaudible). I mean,  
22 is it -- yeah.

1           A PARTICIPANT: Well, I just would like to know so  
2 we can -- maybe we can (inaudible) this thing.

3           MR. BEIDEMAN: One option; there's three parts to  
4 the option.

5           A PARTICIPANT: Can you just tell me again what it  
6 is so we -- maybe we can end this discussion? Because it  
7 sounded reasonable.

8           MR. BEIDEMAN: Okay. Our suggestion is to revise  
9 the Northern subcategory landing criteria upward to ten --  
10 between 10 and 12 percent, or one fish.

11           Secondly, yeah, you could put a minimal that had to  
12 be on board for the one fish. You could put a maximum of  
13 three fish, we would suggest. Secondly, that would mean that  
14 you would need to reapportion the North South split to recent  
15 year catch discard trends. And third, regardless of what you  
16 do, you need to have the flexibility for the assistant  
17 administrator to make in season adjustments between the  
18 categories, subcategories, and to the catch criteria, if  
19 necessary.

20           MR. BERKLEY: Thanks, Chris. Yeah, I don't want to  
21 flog a dead horse, but AFS does have a position on an issue  
22 that I brought up earlier on bluefin tuna in the Gulf of

1 Mexico, and I just want to explain where that position came  
2 from.

3           It's, after having reviewed the bluefin, various  
4 bluefin documents, AFS, the marine fishery section of AFS,  
5 has stated this on a number of occasions; I think Glen has  
6 probably seen copies of this: it's been our concern that any  
7 fish, any fish sufficiently large to be considered a spawner  
8 that's caught in the Western Atlantic, is attributed in the  
9 stock assessment as a Western Atlantic spawning stock  
10 bluefin.

11           Our concern, and I think it's been borne out to a  
12 certain extent by recent satellite tagging data, is that not  
13 all the fish, all the large fish, the giant fish that are  
14 caught in the Western Atlantic, are in fact Western Atlantic  
15 spawning fish. A lot of those fish have gone, during the  
16 spawn -- when they -- during the spawning season in the Gulf  
17 of Mexico, have showed up elsewhere, suggesting that these  
18 fish are perhaps either Eastern Atlantic stock fish or some  
19 other stock of fish that we don't know.

20           Therefore, not all fish that are caught are the  
21 same fish. And fish that are caught during the spawning  
22 season in the Gulf of Mexico are Western Atlantic spawning

1 fish. So if the intent is to protect Western Atlantic  
2 spawning fish, there is an additional concern about the  
3 amount of fish that are taken from the Gulf of Mexico.

4 Number one, I just -- and that's the reason why the marine  
5 fishery section of AFS is particularly concerned about  
6 fishing effort and mortality of Gulf of Mexico fish.

7           And it's also not readily -- it's not the opinion  
8 of the marine fishery section of AFS that, as was stated  
9 earlier, that ICCAT has been exceptionally conservative in  
10 their quota setting. And I think if you turn to the safe  
11 report, page two point nine, you'll see what I'm talking  
12 about. The current spawning stock bio-mass was in 1999,  
13 Atlantic stock bio-mass is somewhere between ten and 36  
14 percent of its target level, and the current fishing  
15 mortality rate that is supposed to be so conservative is  
16 somewhere between one point four and two point two times  
17 higher than the fishing mortality rate that -- fishing  
18 mortality rate at FMSY, which is itself not a particularly  
19 conservative target. Thank you.

20           MR. ROGERS: Thank you, Steve. Mau had been on the  
21 list and he's not back yet. Is there anybody else who had  
22 anything else? Glen?

1                   GLEN:   Maybe I can ask Steve if he just would --  
2   had any comment on Nelson's proposal or not.   I think that's  
3   what's relevant at this point.

4                   I could argue the science with you and credibility  
5   of AFS, but in any case, one thing I do want to get on the  
6   record is the notion that has been suggested to you that,  
7   with respect to the long line harvest of bluefin tuna, that  
8   this is to be interpreted as being bycatch under the  
9   definition of the Magnuson act.   I know there are advocates  
10   who are trying to slip that concept into what you're doing,  
11   but it's not correct.

12                  We have a specific accepted mortality rate, or  
13   quantity of mortality assigned to this sector.   This isn't  
14   bycatch in the sense that we're trying to eliminate it; we  
15   have a quota for this sector that it's had for a long time.  
16   It's institutionalized and codified in the code.

17                  Our goal is not to minimize the mortality of  
18   bluefin tuna by this sector.   Our goal is to keep their  
19   mortality to the level of their quota, just like any other  
20   sector, and to allow them to minimize the amount of those  
21   fish that they do harvest from being discarded.   That's what  
22   this exercise is about.

1           It's not about applying a mis-interpretation of  
2   national standard nine to this particular fishery. We have a  
3   quota, and it's within the total allowable catch set by  
4   ICCAT. Thank you.

5           MR. ROGERS: Mau Claverie, you had been on the list  
6   before we broke from Dr. Hogarth's discussion. Do you have  
7   any further comments on the bluefin tuna incidental catch  
8   situation?

9           DR. CLAVERIE: You know, I do --

10           (Interruption to tape.)

11           MR. ROGERS: Can you turn the mike on there, Mau?

12           DR. CLAVERIE: I'm trying to remember where we were  
13   before Bill got here. Kim's not here. I had a question:  
14   what happens to the fish that aren't used out of the  
15   incidental category? Who would get them in the re-allocation  
16   process?

17           MR. ROGERS: Well, in past experience, we have  
18   either rolled it over from one year to the next, back into  
19   the same category, or re-allocated it to other categories;  
20   general category and the angling category had been recipients  
21   in the past.

22           DR. CLAVERIE: So if we give some of these fish --

1 will what's proposed increase the actual take of the  
2 incidental in the incidental catch category?

3 MR. ROGERS: That would remain to be seen. What  
4 our hope would be, as I said in the introduction to this  
5 topic, was that we'd get better balance, and sort of convert  
6 those that are currently reported in the dead discard column  
7 into the landed column, without increasing the total  
8 mortality attributed to that sector. So it's a formula that  
9 hopefully will achieve a better balance and result in lower  
10 over all mortality.

11 DR. CLAVERIE: Well, where are we now, on a  
12 percentage or on a one fish or two fish deal for the North  
13 incidental?

14 MR. ROGERS: The current regulations are for North  
15 of 34 degrees North latitude; the bluefin cannot exceed 2  
16 percent of the non-bluefin target catch of the trip.

17 DR. CLAVERIE: I mean in the discussions.

18 MR. ROGERS: In the discussions? Well, we've heard  
19 --

20 DR. CLAVERIE: You're still wide open?

21 MR. ROGERS: -- from Nelson and a few others on  
22 potential proposals.

1           DR. CLAVERIE: All right, well, Nelson's proposal  
2   number one was to adjust the North subcategory. And my  
3   thought was that, separate the categories because you have  
4   separate reasons for them to keep them -- keep the ICCAT  
5   recommendation pure, so to speak. So that's just technical.

6           But the -- his proposal was for either 2 percent of  
7   the catch, or is it 12 percent -- no, from 2 percent to 10  
8   percent to 12 percent, or one fish by head count. Has there  
9   been anything else done on that? Just seems to me that a  
10   head count would be easier to enforce, maybe even as sea,  
11   because if the boat was boarded and there were three fish  
12   aboard, three bluefins aboard, obviously that's in violation  
13   if your limit is one or two, whatever it is.

14           And then the other thing was, how much directed  
15   catch could be on the -- needed to be on the boat? If the  
16   fish is not a percentage, then there would be some minimum  
17   amount of directed catch that would have to be on the boat.  
18   And as I recall, Nelson said three -- 3,500? What did you  
19   say, Nelson, 3,000 or 3,500? I didn't write it down.

20           Anyhow, all that seems okay to me, but I'm not sure  
21   if it's going to cost the industry fish in the Gulf. And  
22   Kim's not here to speak to that, because she is the industry



1 in the Gulf. But that's what the problem is.

2 Does that -- is that a fair round up of it, Nelson?

3 I don't know.

4 MR. BEIDEMAN: It's a easier way to -- clearer way  
5 to put it. The suggestion is, 12 percent of the directed  
6 target catch on board, up to a maximum of three bluefin tuna  
7 with at least 3,500 pounds for the first fish.

8 A PARTICIPANT: (Inaudible.)

9 MR. BEIDEMAN: Twenty-five -- 3,500 pounds of  
10 directed catch on board for the first fish.

11 DR. CLAVERIE: For the first fish? And then after  
12 that it gets to be 12 percent.

13 MR. BEIDEMAN: Up to 12 percent or a maximum of  
14 three fish..

15 A PARTICIPANT: Well, may I just --

16 MR. BEIDEMAN: You have very few boats in the  
17 distant water fleet that have, you know, trips that would  
18 even allow three fish.

19 DR. CLAVERIE: Well, that sounds reasonable to me,  
20 but the factor that I don't know, and I'm sitting out here on  
21 -- no, that's right, Steve Loga is here. I forgot Steve is  
22 sitting here. He wasn't talking like Steve for a while;

1     that's what made me forget. Okay. So as long as Steve's  
2     happy that the reallocation between North and South isn't  
3     going to be a problem, then Kim probably wouldn't be, I  
4     guess. Is that right? Is that right, Steve?

5             MR. LOGA: (Inaudible.)

6             DR. CLAVERIE: Well, it's called a --

7             A PARTICIPANT: (Inaudible) Kim supporter.

8             DR. CLAVERIE: -- an adjust, that the North  
9     category, South category incidental, adjusted between North  
10    and South. So that's a --

11            A PARTICIPANT: (Inaudible.)

12            DR. CLAVERIE: If you're going to get more fish,  
13    there's no questions there will be fewer in the South, and I  
14    don't know how that would affect Steve and Kim.

15            MR. BEIDEMAN: And the realistic thing is for NMFS  
16    to go in the data and determine, you know, what the recent  
17    year catch and discard level is, so that, you know, the  
18    subcategories have what they reasonably need to reduce  
19    discards.

20            A PARTICIPANT: Yeah, the original proposal that  
21    Nelson said was the 3,500, but I think that a couple of very  
22    good points were raised down here by Rom and Wayne, regarding

1 the fact that it really needs to be 3,000 rather than 3,500  
2 as the minimum threshold a pound.

3 MR. WHITAKER: After speaking with Mr. Bell on  
4 enforcement, I feel like that when you put a percentage in  
5 there, that you automatically throw in two variables; not  
6 only do I have to estimate exactly the amount of poundage  
7 I've got on my boat, I've got to estimate the size of the  
8 bluefin tuna.

9 So it just seems to me, and also according to Mr.  
10 Bell, that -- and from an enforcement issue, that a certain  
11 poundage would be much easier to follow. And I can see where  
12 at sea enforcement of this, I mean, would really be tough,  
13 because, you know, a guy's fishing, he may kill a bluefin  
14 tuna and still want to fish some more.

15 So I almost feel like this number, this one fish to  
16 3,500 or 3,000 has to be tied to the landings. And if we're  
17 going to get talking about two fish and three fish, then I  
18 think we need to increase the poundage, as Nelson would work  
19 out. So thank you.

20 MR. ROGERS: Okay, just a point of clarification.  
21 The regs currently are enforced at the point of landing. It  
22 is a landings requirement.

1 Pat Percy?

2 MS. PERCY: Thank you. It seems to me that this is  
3 an enforcement issue. Is anyone from enforcement here to  
4 give us some guidance?

5 MR. ROGERS: Don't look, they're right behind you.

6 A PARTICIPANT: Here they come.

7 A PARTICIPANT: (Inaudible.)

8 MS. PERCY: The enforcement police are here? Gosh.  
9 (Interruption to tape.)

10 MR. BEIDEMAN: Nelson Beideman, Blue Water.

11 MR. BELL: I'm George Bell, I work for enforcement  
12 North of 34 degrees. I think we misunderstood each other.  
13 We're looking for a straight count of fish. It's much more  
14 easy to enforce; it's much easier for the fishermen, it's  
15 much easier for us. I can't speak for Paul.

16 MR. RAYMOND: (Inaudible) head count (inaudible).  
17 And then you have a line (inaudible) problem (inaudible) all  
18 the way down the Keys (inaudible) the problem.

19 MR. ROGERS: Paul, some of the folks up front can't  
20 hear you.

21 A PARTICIPANT: (Inaudible.)

22 MR. ROGERS: Now --

1 (Interruption to tape.)

2 MR. RAYMOND: -- posed a couple of problems, I  
3 believe, in the launching area in the past. That's true on  
4 any line that you draw, because it's a landing law and it's  
5 not a fishing law. So obviously we would prefer a head count  
6 and then either the -- make it the whole Atlantic,  
7 consistent, and move it down to the Keys and (inaudible).

8 We have no problem with landing law. I agree with  
9 Gail, we're not ever going to be taking fish on the high seas  
10 out of an ice hold when they're in thousands of pounds of --  
11 unless those fish happen to be on the top of the ice and we  
12 can obviously see that they have more than one fish or more  
13 than two fish.

14 A PARTICIPANT: Can I ask a question, Chris? Can I  
15 ask you a question, for clarification? When you say a head  
16 count, you're talking about the bluefin tuna side, but the  
17 poundage count doesn't bother you all on the other side, does  
18 it? Because that's going to be a landings weight deal?

19 MR. RAYMOND: We would prefer a head count. A lot  
20 of the laws are ratios and weight counts, but we would prefer  
21 a head count on bluefin, like one fish per trip, two fish.

22 A PARTICIPANT: (Inaudible.)

1           A PARTICIPANT: No, I'm talking about -- oh, well,  
2 we're talking about imposing directed catch on the boat so  
3 that the bluefin tunas that they bring in are incidental.

4           MS. PERCY: But he's talking about a number, a head  
5 number, I think, on the target you catch itself, right?

6           MR. RAYMOND: Yes.

7           MS. PERCY: That's --

8           MR. RAYMOND: No, no, well, a head count with the  
9 incidental bluefin.

10          A PARTICIPANT: But you don't want a head count on  
11 a directed catch, do you?

12          MR. RAYMOND: No, no, that would be poundage.

13          A PARTICIPANT: Right.

14          MR. RAYMOND: Right.

15          A PARTICIPANT: Okay, that's what I wanted to  
16 clarify.

17          MR. RAYMOND: Historically, we had a one fish  
18 incidental bluefin tuna head count.

19          A PARTICIPANT: If you find -- if you find under  
20 the suggestion, if you find one bluefin tuna on a boat, then  
21 when that boat gets to the dock to weigh out, it better have  
22 3,500 pounds of other stuff?

1           MR. RAYMOND: Well, ideally, and again I'm speaking  
2   for an enforcement issue, ideally it would be a head count on  
3   the one bluefin tuna per trip. And we would prefer  
4   (inaudible) --

5           A PARTICIPANT: No other criteria?

6           MR. RAYMOND: -- not to even stay around and  
7   determine the amount of fish of the targeted species. It's  
8   more efficient that way. You know, you could do a little at  
9   sea enforcement if you had to, because you wouldn't have to  
10  rely on the targeted poundage of the fish.

11          A PARTICIPANT: Okay.

12          MR. RAYMOND: You would simply do --

13          A PARTICIPANT: I understand that, but that does  
14  not accomplish the goal --

15          MR. RAYMOND: I know it, but I'm giving you an  
16  enforcement (inaudible).

17          A PARTICIPANT: So to accomplish the goal, we have  
18  to put a minimum restriction on the directed species. And so  
19  on that species, which would you prefer, a head count or a  
20  weigh out?

21          MR. RAYMOND: It doesn't really matter.

22          A PARTICIPANT: (Inaudible.)

1           MR. RAYMOND:  You're probably not going to do a  
2 head count on that.  I didn't know you were discussing head  
3 counts on targeted species, here.

4           A PARTICIPANT:  No, I thought you wanted a head  
5 count on the first --

6           MR. RAYMOND:  We were talking about head counts on  
7 the --

8           A PARTICIPANT:  Bluefin.

9           MR. RAYMOND:  -- one bluefin tuna.

10          A PARTICIPANT:  Right.  Okay.  Got you.

11          A PARTICIPANT:  Can I make a suggestion that might  
12 move this along?  An alternative is to help enforcement.  I  
13 think a head count on directed species is unrealistic.  It's  
14 not something that would be normally used in the trade.  
15 They'd be going by the weight across the dock.

16                 But we can go to head count, certainly, on the  
17 fish, rather than any percentages what so ever, and just do  
18 something along the lines, and I don't commit ourselves to  
19 these numbers because maybe you need to have a discussion  
20 more with Nelson and others, but you know, for the first  
21 fish, 3,500, the second -- just incrementally go up.  The  
22 second fish, you're going to need 7,000 and the third fish



1     you're going to need 10,500. And that's the -- with a cap of  
2     three fish. And that's it. You know, if you have 20,000,  
3     you still only get three fish.

4                 So is that as -- that's about as simple as I think  
5     we can make it for enforcement purposes.

6                 A PARTICIPANT: That's --

7                 A PARTICIPANT: That's better than what -- there's  
8     what, three scenarios? That's better than the (inaudible) --

9                 (Interruption to tape.)

10                A PARTICIPANT: -- (inaudible) current (inaudible)  
11     quota (inaudible) you know, where you have to have at least a  
12     minimum threshold (inaudible).

13                MR. ROGERS: Okay, any further comments? George?

14                MR. BELL: Yes, I think now I'm clear with this.  
15     We'd like to have the panel set whatever threshold they want,  
16     but rather than a percentage of that threshold, a number of  
17     fish attached to it. Is that clear? That's --

18                MR. ROGERS: Okay.

19                A PARTICIPANT: Thank you.

20                A PARTICIPANT: Good.

21                MR. WHITAKER: I thought I made that clear to start  
22     with.

1           MR. BELL: You did; I misunderstood you.

2   (Inaudible.)

3           MR. ROGERS: Okay, well, back to -- back to Pat.  
4   Has your question been answered?

5           MS. PERCY: My question has been answered, and I  
6   hope that it clarified it for everyone else. Thank you.

7           MR. ROGERS: Okay, as I said before, we would be  
8   issuing a -- David Wilmot, you have some comments?

9           MR. WILMOT: Pat, can you quickly, on the back of  
10   the envelope, calculate what this would translate into, in  
11   terms of tonnage? Do you have the data available to -- if  
12   you were to do 3,500, 7,000, 10, five, one, two, three, for  
13   the trips?

14          A PARTICIPANT: You're saying to go back and look  
15   at the last few years, look at the landings and say okay,  
16   landings and discards for -- on particular trips and say,  
17   this is how many fish would have been landed if we were  
18   operating under these --

19          MR. WILMOT: Yeah, I mean, I know you can do it; I  
20   was just thinking, since you put together those figures,  
21   which were nice, looking at the -- for example, the 50  
22   percent, 3,800 I guess pounds or whatever it was. I just

1 thought maybe --

2 A PARTICIPANT: No.

3 MR. WILMOT: -- you or Nelson, one, just could give  
4 a ball park. Are we talking of filling the quota here with  
5 this calculation?

6 A PARTICIPANT: No, you're not --

7 MR. WILMOT: Are we talking about potentially being  
8 10 percent under? I'm just trying to get a ball park.

9 A PARTICIPANT: It's --

10 MR. WILMOT: What are we talking about here?

11 A PARTICIPANT: It's hard to say. You'd have to go  
12 back and look at the trips to see how many bluefin they  
13 actually caught. I mean, with what we had there, was just  
14 the average median and the 75th percentile landings. So just  
15 from what we have here and from what I've done preliminarily,  
16 no, we couldn't do it. So --

17 MR. ROGERS: Just to clarify, Dave, that would be  
18 part of our environmental assessment, because we haven't  
19 proposed any change, yet. We would do a proposed rule and  
20 have a comment period, and we would do that sort of analysis  
21 for the supporting documents to the rule making.

22 A PARTICIPANT: I just want to add a comment before

1 we get off this, that this discussion that he's raising here  
2 is all the more reason to make sure you get in season  
3 adjustment authority, because any year can deviate from the  
4 average, and you're going to want to be able to respond to  
5 that, one way or the other.

6 MR. ROGERS: Jack, then Peter, then Mau.

7 MR. DEVNEU: The other thing I would say to respond  
8 to Dave's concern is that it's not just a straight math, you  
9 know, relationship, that you divide the number of -- you  
10 know, the increments of 35 and seven into the total weight.  
11 You're still faced with the fact that 91 percent of the  
12 observed trips only catch, or only hook, one or two bluefin.  
13 So it's -- you -- the -- you know, it's -- it would be less  
14 than the straight math would show.

15 A PARTICIPANT: I think to answer David's question,  
16 it seems to me that if they don't catch them, which you're  
17 concerned about catching too many of them, we get that -- a  
18 lot of times we've gotten that unused quota in the general,  
19 and then we catch them. So the fact of the matter is, the  
20 end result is usually the same. Do you know what I'm saying?  
21 I --

22 MR. WILMOT: It wasn't a concern, and Nelson

1 basically answered. And I just wanted to make you have a  
2 feeling for what I assumed was happening, and that is, a  
3 calculation that allows you to get close to the quota.

4 A PARTICIPANT: Yeah.

5 MR. WILMOT: And that's what they did, and that's  
6 what I assumed they did. I just wanted someone to say, yeah,  
7 that's what we're trying to do, we're trying to get to the  
8 quota. That's all.

9 A PARTICIPANT: Yeah, when you get to putting this  
10 out in your document, please consider some way to prevent  
11 upgrading.

12 And also, inform us as to what impact this is going  
13 to have on the fisheries in the Gulf. If it's going to be  
14 fewer fish that can be taken in the Gulf, on the one hand  
15 that's good, because that's the spawning grounds; on the  
16 other hand, Steve and some other people may not like it.

17 And also, we'd like to know what impact it would  
18 have on the angling category, particularly of giants, because  
19 that's the angling category -- that's the angling catch in  
20 the Gulf, as little as it is. Would it cost us our fishery,  
21 which has been one bluefin per year for the last two years?

22 MR. ROGERS: (Inaudible) Taylor's (phonetic) -- I

1 think he meant high grading, not upgrading.

2 MS. PERCY: Thank you, I know what he meant.

3 MR. ROGERS: Okay.

4 MS. PERCY: I was just going to remark that again  
5 from my provincial viewpoint of a distant water boat, it's  
6 pretty hard to keep a bluefin that you caught first, on top  
7 every day. And the incentive for highgrading is certainly no  
8 greater for a long liner than it is for any other person  
9 catching one to sell.

10 MR. ROGERS: Russ?

11 RUSS: Just one comment on something Jack  
12 mentioned. With 91 percent of the observed trips hooking two  
13 or fewer bluefin, it doesn't seem like there's a lot of  
14 impetus to go to a potential three fish retention limit.

15 MR. ROGERS: Okay, Nelson?

16 MR. BEIDEMAN: Back in like 1995 and 1996, this was  
17 looked at in great detail. Back then it was Dr. John Hoey  
18 and my wife that did the analysis and what not on it, working  
19 with the Southeast Fishery Science Center. And they had it  
20 pretty well down pat.

21 And what we put forward at that point was actually  
22 more restrictive than what National Marine Fisheries Service

1 ultimately proposed. And we fought the National Marine  
2 Fisheries Service. We said, no, no, no, no, we don't want to  
3 go too far, because we don't want to crash the quota; we just  
4 want to kiss it. The objective's just to kiss the quota.

5           At that point, the debate was over whether it  
6 should be one for, you know, 3,500 or one for I think you  
7 guys had proposed 3,000. And, you know, we said no, you  
8 know, don't go below 3,600 or something; something to that  
9 nature. But I mean, they had it pretty well down pat.

10           The point of this is, is that the category needs to  
11 be able to take the quota, have a reasonable opportunity to  
12 take the quota, without crashing the quota and creating other  
13 problems to reduce discards.

14           Anything above status quo is going to be some help,  
15 but regardless of whether it's one fish per 3,500 or two fish  
16 per 7,000 or -- you know, another system was just proposed  
17 here, that it be one fish up to 7,500 and two fish over 7,500  
18 without a three fish, well, the calculations that we had done  
19 included three fish. But they only included that those trips  
20 on the Grand Bank had, you know, a realistic possibility of  
21 landing that third fish.

22           There's another issue that I should not even

1 mention, but I will get into it.

2 A PARTICIPANT: Okay.

3 (Interruption to tape.)

4 MR. ROGERS: Okay, I think we can come to closure  
5 somewhat. Rich, you just had raised an ancillary issue with  
6 respect to the closed area. If you could briefly address  
7 that and then we could move on to our next topic.

8 MR. RUAIS: I did, and then it was based on  
9 Hammer's comment, which I thought was very insightful and  
10 obvious that what drives the abundance in bluefin tuna, which  
11 drives his interaction with the bluefin, is the water  
12 temperature, which changes each year. And having a fixed  
13 closure is not necessarily the most efficient way of handling  
14 that.

15 I think Dave Wilmot's remark, I think was just a  
16 bit tongue in cheek when he said, well, double it or triple  
17 it. You know, that's obviously not the responsible  
18 management response to that. What is, is a bit more of a  
19 timely closed area, one that's based upon real time, to the  
20 extent that you can. And I know that that means more work  
21 for the agency and a bit more difficulty, but it's clearly  
22 the way to go, as opposed to, let's just triple the size and



1 make sure that you encounter -- or encompass any potential  
2 movement of the fish at that time of the year.

3           So I didn't know if you wanted to carry that any  
4 further or not. I mean, that is an area that we're  
5 particularly interested in seeing, because that's the time  
6 when the bluefin are coming into New England and we  
7 appreciate the fact that, you know, to the extent that you're  
8 interacting less at that time, more fish obviously come into  
9 New England.

10           If you were interested in pursuing having, you  
11 know, having -- instead of having a fixed closure that in  
12 some years is going to miss the movement of the fish, we'd  
13 certainly want to be supportive of that.

14           I just wanted to make a comment. I don't know if  
15 now is the time to do it, but it was an important point that  
16 he was making, that didn't get the proper attention.

17           MR. ROGERS: Okay, well, perhaps during the comment  
18 period of the proposed rule, we (inaudible) issue on this  
19 subject, we can discuss that at greater length, as well.

20           A PARTICIPANT: Chris? Under NEPA you're going to  
21 need alternatives. It sounds like you better go from one to  
22 three fish. We went from two to one in the Gulf to keep it

1 non-directed, which is different from incidental, but since  
2 there's a one -- and also, if it's really to save the lives  
3 of fish that would be thrown back in, one alternative would  
4 be only if they're dead when they come alongside.

5 MR. ROGERS: Yes, you're correct, we will do a NEPA  
6 analysis and we will consider alternatives. David Wilmot,  
7 you had a final comment on this, comments?

8 MR. WILMOT: Yes, just very briefly on the closed  
9 area. In an ideal world, there are better ways to do it; the  
10 Canadians use a slightly different approach that possibly  
11 could be considered in work.

12 But when I look at the numbers, 402 in '97, 597 in  
13 '98 -- now these are fish in the closed area in June -- went  
14 to 35, '99. May have been one of those great years where the  
15 oceanographic conditions were right where NMFS predicted they  
16 would be, but it worked to start with and maybe it's worth  
17 just keeping an eye on in the future.

18 But this was really startling. Even better than  
19 they predicted, in terms of a discreet area achieving what  
20 they set out to achieve. And this was a small area, so  
21 pretty good.

22 MR. ROGERS: Okay, well, thank you all for that

1     comments.     We have what, one more comment?

2                   A PARTICIPANT:   (Inaudible)

3                   MR. ROGERS:   Who do we have here?   Peter?

4                   A PARTICIPANT:   Rom.

5                   MR. ROGERS:   Rom?

6                   MR. WHITAKER:   Just so that -- to let my -- I'm  
7     full support of the minimum -- I mean, of having 3,500 pounds  
8     and one fish, but I would not be in support of just no  
9     minimum and letting one fish come in, because I honestly  
10    think that would be a directed fishery in North Carolina if  
11    that were to happen.   Thank you.

12                  MR. ROGERS:   Nelson, with a parting comment on the  
13    subject.

14                  MR. BEIDEMAN:   Well, just real quick.   The Canadian  
15    concept of catch fishery is much more realistic to deal with  
16    pelagic long line factors than fixed geographical areas.   I  
17    hope that some day we get back to a point where we are  
18    looking at such advanced approaches.   The problem is, we've  
19    got so many changes going on in this fishery right now, we're  
20    not going to be able to figure this fishery out until it's  
21    settled down for at least, you know, one data, whole data  
22    period.

1           MR. ROGERS: All right, any comments from members  
2 of the public that remain, from a pretty sparse gallery back  
3 there?

4           Okay, well, for the rest of the agenda it's sort of  
5 open. One of the things that we did want to address was the  
6 AP structure. And Bruce Morehead, the office director of  
7 sustainable fisheries, is going to entertain some discussion  
8 on this, but I understand there are also some other topics  
9 that people have an interest now.

10           Sonja had already talked to me about discussing the  
11 safe report. Anything else other than that?

12           (End side A, tape 4.)

13           MR. ROGERS: Okay, and any other topics that are on  
14 people's minds, to just get on the agenda before we adjourn?  
15 Russ?

16           RUSS: I raise this, but I missed the later half of  
17 the meeting yesterday. I think at the outset I expressed  
18 some interest in learning more about your plans for  
19 monitoring of the current closed areas to determine their  
20 effectiveness or lack there of.

21           MR. ROGERS: Okay.

22           RUSS: And that can go on the end of the list, but

1 I would just --

2 MR. ROGERS: Okay. Wayne?

3 MR. LEE: Chris, I brought up that issue yesterday  
4 from Georgia, on the modification to the plan.

5 MR. ROGERS: Okay. Okay.

6 MR. LEE: And I'm just hopeful that doesn't drop  
7 through the cracks, that that's taken care of.

8 MR. ROGERS: Okay. (Inaudible.)

9 MR. LEE: Thank you.

10 MR. ROGERS: (Inaudible.) Oh, is that where it  
11 was? Bob Pride?

12 MR. PRIDE: Chris, if you could just quickly review  
13 for us before we leave the room what the status is of the  
14 angling category and general category fishery in North  
15 Carolina for Atlantic bluefin, it would be helpful to me.

16 MR. ROGERS: The status relative to this fishing  
17 season?

18 MR. PRIDE: Our current plan, so to speak; where we  
19 are today.

20 MR. ROGERS: Okay. Any other --

21 A PARTICIPANT: Chris, I just wanted to suggest  
22 that we talk about the substantive issues in the safe report

1 before we discuss the procedural aspects of potential changes  
2 to the advisory panel.

3 MR. ROGERS: Okay, I got the same impression from  
4 the look on Sonja's face, so we'll do that. Let's just go  
5 right into that, discuss the safe report.

6 MS. FORDHAM: Shark shrift, I'm telling you. Sonja  
7 Fordham, Center for Marine Conservation.

8 Considering that it says that this meeting would be  
9 a good opportunity to talk about the safe report, and that  
10 one of the state purposes of the safe report is to identify  
11 additional management issues that need to be addressed, I  
12 have some specific -- or comments specific to the shark  
13 sections in the document that I'd appreciate if I could go  
14 over.

15 Generally, over all, I think that there are some  
16 mixed messages in this document. Some issues are missed  
17 entirely. I think there are many shark issues and problems  
18 that are identified but there are very few solutions or  
19 strategies or even individual actions that have been proposed  
20 to deal with these problems.

21 Specifically, I just want to start with a general  
22 comment about, there are several references to the national

1 plan of action for sharks, as if it may have some hidden  
2 strategies to deal with these problems. And I will just take  
3 this opportunity to reiterate our concern on behalf of the  
4 entire ocean wildlife campaign that this document is not --  
5 we don't consider it to be a plan of action; we consider it  
6 to be a report. And we're hoping that NMFS will work to  
7 improve the document, so it is more of a plan of action.

8           And we also discovered last night -- last night,  
9 last month at the COFEY (phonetic) meeting at FAO (phonetic)  
10 when all the shark plans of action were due under the  
11 international plan of action, that only 17 countries around  
12 the world have actually prepared any semblance of a shark  
13 plan.

14           So I think we have more work to do both  
15 domestically and internationally, and we would urge NMFS to  
16 beef up this document and also reinvigorate its efforts to  
17 really play a leadership role or continue to play a  
18 leadership role in international shark conservation efforts.

19           I wanted to say a bit about finning. The law is  
20 cited in this document, and I just want to voice some general  
21 concern that I have over the tone and language in this  
22 document, and also other things that have come out of NMFS on

1    this finning legislation. I feel generally that this  
2    document and others are sort of down playing the  
3    responsibilities that the U.S. has under this legislation.

4               For instance, in the outlook section, it mentions  
5    that the U.S., because of this law, is directed to monitor  
6    international trade, and I would remind you that you're not  
7    only supposed to monitor, you're supposed to go out and seek  
8    bilateral, multilateral agreements to ban finning on a more  
9    international basis. And that's consistently left out in  
10   documents coming out of NMFS.

11              I also feel as if there's a general tone that this  
12   legislation was something that was thrust upon you, and  
13   actually NMFS did testify on the Hill in strong support of  
14   this bill and was very closely involved in its development.  
15   So I think we should realize that and embrace it.

16              And I would just add that there are needs -- there  
17   are reasons to take these actions beyond that Congress has  
18   mandated them, and that they may actually help to reduce  
19   waste of sharks and conservation efforts, and set a good  
20   example for other countries.

21              That leads to some comments on section seven on  
22   trade. I think this section is incomplete. It discusses in



1 depth trade in shark parts, but nowhere does it mention, at  
2 all, CITIES. And I'll just remind you, at the last  
3 conference of the parties to CITIES, the United States did  
4 propose a shark, the whale shark, for listing under appendix  
5 two; the U.S. also supported two proposals to list other  
6 sharks under CITIES. And I think that a discussion of trade  
7 in shark is not complete without discussing CITIES, and that  
8 information would really improve the document.

9           Also, section seven point seven details  
10 inadequacies and problems with lack of data in terms of shark  
11 products, and beyond meat and fins, and then identifying  
12 those products and what condition they're in, etc. There are  
13 a number of problems that are identified. NMFS does sort of  
14 accept a lot of these and makes no recommendations on how the  
15 U.S. might improve the situation, and we would be very  
16 willing to help you improve your monitoring of shark status -  
17 - of shark trade, if you had some specific recommendations.

18           On the habitat section, the section starts out by  
19 sighting a risk of -- the need to take a risk averse approach  
20 and insure that adequate areas are protected for sharks.  
21 Also it notes the special vulnerability of sharks and  
22 highlights the importance of state and federal cooperation.

1 We agree with all this, but the discussion is devoted  
2 entirely to summarizing research and there are no plans for  
3 developing actions that would actually protect shark  
4 habitats, and no even plans for when we might be planning to  
5 do that.

6 I think that the best example is the discussion of  
7 the nurse shark habitat study, which we fully support, but  
8 it's been going on for ten years and NMFS has concluded that  
9 the results are intriguing and need more investigation, and  
10 that that investigation would serve as a basis for more  
11 research. So I think we recognize the importance of research  
12 and we support it, but we do think that there comes a time  
13 when you have to think about actual action based on that  
14 research.

15 We recognize that most of these areas are in state  
16 waters and we recognize that NMFS has been involved with the  
17 ASMFC efforts, and I'll just remind you, there's a meeting of  
18 the shark board coming up in a couple of weeks, and we hope  
19 to see Margo there again or someone from -- she's (inaudible)  
20 someone else from HMS to -- that the ASMFC shark board has  
21 been working mostly on dog fish, but they might be coming to  
22 some conclusion on that at the next meeting. So we'd like to

1 invigorate those efforts also.

2           Along the same lines, in the data section, the  
3 document states that the NPOA sort of urges the state  
4 commissions to work together. And I think that's a little  
5 passive, indirect, and we would prefer again to see, since  
6 NMFS was the primary author of the NPOA, just say NMFS  
7 believes that this is important and this is how we're going  
8 to get there, X, Y and Z action would be preferable to us.

9           And then I have lastly one specific suggestion.  
10 There's a note about prohibited species in one of the  
11 sections on sharks, and the document notes that the FMP  
12 prohibits retention of shark species unless their stock size  
13 can support and sustain fishing mortality, and then notes the  
14 exception for this rule is the deep water sharks.

15           And this is just counter intuitive, given that if  
16 you're deep water and you're a shark, it's kind of a double  
17 whammy for your vulnerability, biologically, and that this  
18 group is not really targeted but does represent the -- really  
19 the ultimate case for precautionary management.

20           And I brought it up at the last AP meeting: I urge  
21 NMFS to consider adding those deep water sharks to the list  
22 of prohibited species before they ever do become targeted.

1           So I think the bottom line is that we urge NMFS to  
2   improve both the safe report and the national plan of action  
3   for sharks, to do what we talked about yesterday in bycatch:  
4   provide more of a road map to where we're going and what the  
5   steps are to getting us there. And I appreciate your time.

6           MR. ROGERS: Thank you, Sonja. Any written  
7   comments you could provide would certainly help us and guide  
8   us in redrafting the safe report for next year's meeting. So  
9   -- any other comments on the safe report? Glen?

10          GLEN: This deals more with the stock evaluation  
11   report on sharks, and one of the things that I think should  
12   be pointed out in the table two in that report, there's a --  
13   it shows the 1998 and '99 commercial landings, and there's  
14   shark, large coastal and then over a million pounds of shark  
15   unclassified.

16          So in essence, you have about over 27 percent of  
17   the '98 landings are unknown as to their species composition.

18   The situation is not much improved in '99: you have about  
19   25 percent of the landings without species composition.

20          I think at this stage of the game, we ought to be  
21   doing a lot better job than that. In fact, in some cases  
22   where you have shark unclassified, you're not even sure if

1 they are in fact large coastals. So for accurate stock  
2 assessment, we've got to do a better job on collecting this  
3 kind of data. Thank you.

4 MR. ROGERS: Okay, thanks, Glen. We have made some  
5 efforts in recent years to improve both on the log book side  
6 and the dealer reports, to get those shark landings  
7 classified. And Margo, you have any further comment on that?  
8 Are forms as specific as they can get?

9 Is it just a matter of getting people to make  
10 better shark identification? I know we are still in the  
11 process of publishing a more comprehensive, I believe color,  
12 shark ID guide, right? That would certainly help dealers and  
13 vessel operators and enforcement in making these shark  
14 identifications.

15 A PARTICIPANT: One thing that has been a perpetual  
16 problem is that is not enough space on the log books to list  
17 all of the shark species that could possibly be caught. And  
18 so they often leave some blank lines in the assumption that  
19 people will fill in the species that aren't included, but  
20 that isn't always enough space and doesn't always happen.

21 So one of the things that we've been looking at are  
22 ways to expand the log book so that all sharks that could be

1 caught would be included. This has often led to discussions  
2 of electronic log books, because the amount of space that you  
3 can fit on, you know, eight by 14 sheets of paper is really  
4 limited. So that would be something that we could do.

5 A PARTICIPANT: Yes, to expand on what Glen had  
6 just said, the unidentified component of the large coastal  
7 shark has concerned me quite a bit. In fact, in your  
8 national plan of action book, you have the chart on the small  
9 coastal shark and the unidentified component, and I can't  
10 quote exactly the numbers, but it's approximately 50 pounds  
11 and up to 150 pounds in any given year as the unidentified  
12 small coastal component, whereas you look at the three  
13 quarter million pounds identified landed, it just doesn't  
14 jive, especially when they apparently are falling into the  
15 large coastal unidentifieds.

16 And yes, I would like to see a better breakout of  
17 the species component. Because you're talking about in most  
18 cases animals that are very big, and in most cases are sand  
19 bar or black tip. And since duskie are prohibited and  
20 numerous other species are going to be prohibited, you're  
21 just going to see the normal commercially targeted sharks.  
22 So there should be no excuse to have so much unidentified

1 year after year after year.

2 And furthermore, in chapter three, page five of the  
3 safe report, you talk about the Delaware Bay investigations  
4 with acoustic telemetry studies, ultrasonic telemetry. I  
5 would wish that you would take the time, since you're  
6 interested in sand bars, to go from Maine nursery ground  
7 that's been known for 50 years in the Chesapeake Bay area,  
8 and check it out.

9 MR. ROGERS: Any other comments on the safe report?  
10 Again, any panel members that have written comments, please  
11 submit them.

12 A PARTICIPANT: (Inaudible.)

13 MR. ROGERS: Comments on last year's safe report?  
14 You had submitted some written comments on last year's safe  
15 report that we did not address?

16 A PARTICIPANT: I had, you know, given comments  
17 earlier, you know, the day -- first day or second day of the  
18 meeting.

19 MR. ROGERS: I understand. Just to make sure we  
20 got it right and can improve the document for next year, if  
21 you could provide us with any written comments that you  
22 desire, we'd certainly appreciate that.

1           A PARTICIPANT: Can I follow up on something from  
2 at the very end of the meeting, toward lunch, with regards to  
3 that half hour to two hour soap time? I did a little  
4 investigations on that. Normally the panel depth is 30 foot,  
5 the drift net is about a mile and a half mile. The guys can  
6 run the entire length in 15 minutes with a light at night,  
7 and be able to see any kind of interactions. And they like  
8 that kind of thinking, and so it's a concept you may be able  
9 to work on.

10           Furthermore, the small amount of boats that do  
11 drift net, they have other alternatives later, if they can  
12 expand on that. But in the mean time, en lieu of drift net  
13 fishing, if you do want to buy them out instead of spending,  
14 as you said, what, a quarter million or so, trying to observe  
15 these boats, document these boats and everything over the  
16 years, it could be a consideration to buy out. Because they  
17 have been -- a couple of the fellows have been talking to  
18 Cathy Wang about doing just such a thing; I think she's over  
19 in Southeast region of protected species.

20           So it's a concept you might want to keep in your  
21 mind, just to maybe eventually eliminate that particular gear  
22 type. The strike net's a very clean and easy fishery to



1 observe and with the other fish that they target, with the  
2 variety of other applications of net, they figure that it can  
3 sort of somehow round it out and maybe do some hook and line  
4 fishing.

5 But they would like to feel like they were eased  
6 out: buy out their nets, buy out all the -- you know, the  
7 situation that they're going to be losing, because they do  
8 make quite a bit of money out of that each year.

9 MR. ROGERS: Any final comments on the safe report?

10 Okay, on our agenda is AP structure, and I have made a note  
11 that Russ still wanted to talk about evaluation of existing  
12 management measures, and Wayne Lee wanted to talk about state  
13 issues.

14 Well, let me just briefly deal with the state  
15 issues first, since Russ is back in his chair. As Wayne Lee  
16 had pointed out, that Georgia had recently passed, or was  
17 about to pass, a prohibition on landing of billfish in the  
18 state.

19 With our FMP and implementation of ICCAT  
20 recommendations, we have issued consolidated regulations  
21 under dual authority of Atlantic Tunas Convention Act and the  
22 Magnuson Act. Both acts do speak to either preemption or

1 applicability of the federal regs in state waters, but  
2 they're very different procedures. I think it's more  
3 elaborate in the ATCA language, which requires the federal  
4 government to make a determination as to whether a state has  
5 regulations on the regulated ICCAT species in its waters that  
6 is at least as restrictive at the federal and effectively  
7 enforced.

8           If either of those tests are not met, that they're  
9 not as restrictive or not effectively enforced, then the  
10 secretary of commerce can make a determination that the ICCAT  
11 derived regulations can be enforced in state waters. That  
12 had formerly been done for bluefin tuna, for those who  
13 remember it back in the '79s, right after ATCA was passed.

14           But the act does require a continuing review, and  
15 we had raised this in the preamble to the proposed  
16 consolidated regulations, and it just never had as good a  
17 dialogue as we would like to have had with the states on this  
18 issue. And we do feel that our regulations need to be a  
19 little bit more specific on how and when we would deal with  
20 situations other than bluefin tuna, whether a yellowfin  
21 situation requires applicability to state waters or with this  
22 recent situation with the swordfish fishery developing, to

1 the extent that the Florida East coast recreational swordfish  
2 fishery is operating within state waters.

3 The regs are not exactly clear on whether the ICCAT  
4 derived minimum size or the federal permits requirements  
5 would attach to a fishery that was entirely within state  
6 waters. You know, certainly we -- our regulations make the  
7 distinction with respect to sharks, because they're managed  
8 solely under the Magnuson Act, but it's a little bit less  
9 clear under Atlantic Tunas Convention Act, and we would like  
10 to amend the regs to address this.

11 We will try to engage the state directors and have  
12 a contact point identified with each state Department of  
13 Natural Resources or Fish and Game, and come to some  
14 conclusion on this. It may require some public hearings  
15 within the affected states.

16 But what we're thinking is, having some specific  
17 language in the case where states do want more restrictive  
18 management measures to apply, whether it's a prohibition on  
19 the sale of billfish or whether the state would prefer that  
20 the federal regulations -- a statement in our regulations  
21 that would say that the federal regulations apply within the  
22 waters of the following states, as we have done in the past

1 for bluefin.

2           So if there's anything that is -- any aspect of  
3 that issue that's on anybody's mind, we'd raise it here.  
4 It's not going to be resolved here today, certainly, but that  
5 is our intention, to revisit this issue with the respective  
6 states and to make it clear in our regulations that to the  
7 extent that states have more restrictive measures, that they  
8 would apply within the waters of those states. And it would  
9 not be a conflict, so to speak, with the federal regulations.  
10 Nelson?

11           MR. BEIDEMAN: Yeah, I think you need to be very,  
12 very careful that you review that area. These are  
13 international fisheries. We do have laws that say, shall not  
14 disadvantage U.S. fishermen in relationship to their foreign  
15 competitors.

16           And all of a sudden, from a very difficult federal  
17 system, trying to advise the administration on these issues,  
18 etc, you know, all of a sudden we're going to hand that over  
19 to 17 or 19 individual states. I think you need to be very,  
20 very careful, you know, to take into the consideration of the  
21 international perspective of this fishery when you review  
22 this.

1           A PARTICIPANT: Chris, in Florida, I mean, Florida  
2 has has, you know, bag limits on -- or trip limits on  
3 billfish for years. And I think that what they've done,  
4 they've had that which is more restrictive, but then also I  
5 think the commission has actually adopted, you know, to apply  
6 the federal also, which I'm assuming, where the state does  
7 not have a measure identical to the federal, the ICCAT would  
8 apply all the way to the shore anyway.

9           MR. ROGERS: Well, as I said, ATCA speaks directly  
10 to that issue, the Atlantic Tunas Convention Act, with  
11 respect to a process. It's not automatic, that Congress  
12 intended that the secretary would make a determination and,  
13 at the request of the state, hold a hearing on the subject.  
14 And the determination would be that the state has either less  
15 restrictive or non-existent regulations on that particular  
16 subject, which is derived from an ICCAT recommendation, or  
17 they're not effectively enforced. Therefore, the federal  
18 regulations would pertain in waters under the jurisdiction of  
19 the state.

20           A PARTICIPANT: But you --

21           MR. ROGERS: So there is a process that was  
22 followed with respect to bluefin tuna and was never formally,

1 to my knowledge, followed with respect to swordfish or  
2 billfish. Arguably, we didn't have a billfish recommendation  
3 before 1996 to invoke this process. So it -- prior to that  
4 time, it was only a Magnuson Act issue with respect to  
5 applicability of state waters.

6 A PARTICIPANT: But Nelson, we certainly wouldn't  
7 want to discourage states from being more active on  
8 conservation, particularly when, for instance in Florida, we  
9 have a very concentrated fishery for sailfish: the  
10 recreational swordfish fishery that we have seen is  
11 blossoming. If the state's willing to even do more to -- I  
12 can't imagine us wanting to discourage that. That's not what  
13 you're advocating, I hope.

14 MR. BEIDEMAN: No, what I'm saying is, it's a fine  
15 line, and it needs to be looked at closely. That's all I was  
16 saying.

17 MR. ROGERS: And I think Congress recognized that  
18 fine line by setting up this procedure of having hearings,  
19 specifically on that subject. If you make the determination,  
20 you state the basis for that determination, the state has the  
21 option to have the federal government come in there and  
22 explain its position, in each respective state. So it's

1 nothing that we can do in the middle of the night and let  
2 people know about after the fact.

3           Comments on applicability in state waters? So  
4 again, that's something that we have to engage some of the  
5 state fish and game and natural resource folks on that  
6 subject.

7           Evaluation. Russ Dunn.

8           MR. DUNN: Yeah, I was just interested in hearing  
9 NMFS' plans for monitoring and evaluation of the current  
10 closed areas. Obviously they are now in effect. And  
11 contrary to what a lot of people here would believe, the  
12 conservation community isn't interested in just having big  
13 random closed areas; we do want effective area closures. And  
14 from the proposed rule, there was no indication of any  
15 monitoring regimen, or regime, to evaluate its effectiveness.

16 I'm just curious, where is NMFS in terms of developing a  
17 plan to do so, and putting that plan in motion?

18           MR. ROGERS: Well, the short answer is, we would  
19 pretty much follow the same sort of analytical procedures we  
20 did in developing the rule making, as we get new data in, to  
21 demonstrate what was the target catch landings, what was the  
22 bycatch report or what was discarded dead, what was discarded

1     alive.

2                   Obviously the log book reports indicate a latitude  
3     and longitude for each set, so we will see how the effort  
4     gets redistributed in response to the closed area. We will  
5     get to see what the effect was on the prohibition on live  
6     bait in the Gulf of Mexico with respect to fleet  
7     redistributed; started doing sets targeted more towards  
8     swordfish rather than yellowfin tuna, things like that.

9                   So as the data comes in, we will perform basically  
10    the same types of analyses. Whether or not we would put out  
11    some -- I guess in next year's safe report would probably be  
12    the first formal occasion where we could present that with at  
13    least six months, or hopefully maybe a year's worth of data.

14                  MR. DUNN: Yeah, we certainly encourage inclusion  
15    of any data and conclusions which are generated in the safe  
16    report.

17                  MR. ROGERS: Jack?

18                  MR. DEVNEU: Yeah, I think it's a good point that  
19    Russ brought up. I think it's important to measure the  
20    effectiveness. I would certainly agree with, you know, his  
21    comments. I wonder if there's any way to monitor what's  
22    actually going on. You can't actually measure what's going



1 on in the closed areas themselves, in terms of, you know,  
2 billfish. I mean, presumably this will have a greater  
3 positive impact on, you know, not only the swordfish stocks  
4 but billfish stocks, as well. And I think it's -- I don't  
5 know how you'd measure that in any kind of finite time line,  
6 but just thought I'd bring it up.

7 MR. ROGERS: Well, we could and would be evaluating  
8 any information we have from the recreational sector, which  
9 is not precluded from those areas, to the extent that they  
10 fish there or would increase their effort expended in those  
11 areas, through dockside intercepts and the tournament  
12 surveys. So to the extent that CPUE is evidence to increase  
13 in those areas, that may be one inference about the  
14 effectiveness of the closed area.

15 MR. JOLLY: John Jolly, West Palm Beach Fish Club.  
16 We've got good data on the swordfishery in Florida, pre-  
17 1980. And I think that would be good comparative data to use  
18 to see any recovery that might occur. Even though the  
19 fishery is much smaller, of course, than the long line  
20 fishery, I think it's going to give us a pretty good picture  
21 of at least local availability changes that occur.

22 MR. ROGERS: Glen?

1           GLEN: This is to address Jack's question, in part.

2       The South Carolina Department of Natural Resources has  
3       received funding for conducting studies on the Charleston  
4       Bump area. They're doing ictheoplankton (phonetic) work to  
5       look at the incidence of larval fish. They're going to be  
6       doing experimental long lining, and putting archival tags and  
7       such on billfish and swordfish in that area. So there will  
8       be some monitoring in at least part of the closed area.

9           MR. ROGERS: Nelson?

10          MR. BEIDEMAN: Yeah, not to discourage anything in  
11       any way, but make sure that we don't make the same mistake as  
12       what happened with Canada, with their experimental fishery,  
13       their test fisheries, etc., that that data would be entered,  
14       but it would not be used for extrapolation's sake, etc, etc.  
15       You know, it screwed up Canada for a couple, three years in  
16       doing that. That should be kept separate from basic fishery  
17       data.

18          MR. ROGERS: Pat Percy?

19          MS. PERCY: Thank you. I'm not sure if I remember  
20       or not. I think a question was raised last night on the  
21       Charleston Bump, if in February, indeed the boats got out, if  
22       all the boats got out, some of the boats got out, or was it

1 bad weather. Was that answered?

2 MR. ROGERS: I sent an e-mail this morning to Jerry  
3 Scott and Gene Kramer to give us all available log book  
4 sheets that have been submitted for the month of February in  
5 the Southeast U.S. So we'll take a look at that as soon as  
6 we get a handle on the data. I don't believe it had been  
7 entered on the computer, so I just asked for hard copies of  
8 all the log sheets turned in. And that would be part of any  
9 further analysis we would do in issuing any final rule on the  
10 subject.

11 MS. PERCY: Thank you.

12 MR. ROGERS: Okay, before any more panel members  
13 disappear, I think Bruce wanted to have a dialogue with at  
14 least one of you.

15 MR. MOREHEAD: Thank you. Thank you, Chris. You  
16 said at opening comments, getting ready for this meeting I  
17 thought it useful to just review the structure and  
18 procedures, the advisory panel uses right now, to give the  
19 agency advice. It's my objective is to maximize the benefits  
20 to both you and to us.

21 And so looking at today's meeting, example, one  
22 extreme, you have one meeting a year where you have both

1 panels meeting in plenary. We were talking about looking at  
2 various factors or parameters of the committee. Do we need  
3 to have more than one meeting a year? Is it better to --  
4 preferable to have some of those meetings in subdivision of  
5 the committee, sub panels? Do we need to have longer terms  
6 for the committee? Do we need a chairman for the committee  
7 or an executive committee to work with the agency between  
8 meetings? One idea, giving more of the empowerment to the  
9 committee itself to give us advice.

10           So these are some of the ideas that Chris and the  
11 staff and I have talked about, and clearly we're not going to  
12 make any decisions this afternoon, but I just wanted to get  
13 some reaction from the panel itself. How do you feel this  
14 process is working at this point in time?

15           Just kind of open it up right now.

16           MR. LELAN: I think we have the expertise around  
17 the table, and I think it gets lost. I think you need a  
18 strong committee chair to keep the meetings focused.  
19 Comments need to be addressed to the chair and not to  
20 individuals. There's a lot of personal attacks that go on,  
21 and I don't think people mean to be personal attacks, but  
22 quite often before someone will make a statement, they have

1 to respond to something that was said earlier or that, and  
2 that does take away from the meeting.

3 So I think if you have a strong chair who can keep  
4 the meeting focused and moving along, you can get a lot more  
5 accomplished.

6 A PARTICIPANT: Thank you, Bruce, Chris. As I told  
7 Chris earlier, I believe at the last meeting we had  
8 discussed, through Rebecca's prompting, about having a  
9 chairman and I guess a co chair, in case needs to sit in.  
10 And it seemed like a large amount of the people were for that  
11 idea.

12 And as far as longer terms, I believe most of the  
13 terms are either up this October or next April for a lot of  
14 the members, and so based on the fact that right now you  
15 don't have funding for the next meeting, you know, as far as  
16 paying our way up here and stuff like that, for that expense,  
17 from what I've heard, then it kind of makes the situation  
18 where we may not even meet until early next year again. And  
19 some of the people will maybe already be replaced, and the  
20 others about to be replaced. So perhaps longer terms could  
21 be helpful.

22 As far as -- and I know there was a lot of the

1 conservation community as well as several of the members of  
2 the shark industry, we like the idea of having kept the shark  
3 FMP separate from the HMS. But since we're here now, it  
4 would be nice to be able to break out the shark component  
5 every once in a while, and I imagine the bluefin tuna people  
6 would feel the same way, swordfish, etc. So a lot of those  
7 ideas you presented have merit.

8 A PARTICIPANT: I'd like to address one point on  
9 travel. We don't have a dollar problem as much as a travel  
10 limit problem. Congress imposed some severe restrictions on  
11 this year in how much we spend on travel, including  
12 invitational travel for yourself. So this meeting came out  
13 of a ceiling we have. And you're right, probably will not be  
14 another meeting this fiscal year.

15 A PARTICIPANT: So it would be after October?

16 A PARTICIPANT: It would be after October one.

17 MR. BEIDEMAN: We're too short on time for me to  
18 get into criticizing the panel. I've put into directors  
19 many, many times that bring these two panels together, bring  
20 one commercial, additional commercial representative and 25  
21 additional recreational representatives.

22 But putting that aside, one of the biggest concerns

1     that I always had with dealing with these fisheries is that  
2     the international and the domestic are being very carefully  
3     complemented and integrated.

4             And a proposal that I would have for the HMS AP  
5     panel is to request, or invite or whatever is appropriate,  
6     that the three ICCAT commissioners be seated on this panel,  
7     and allow between those three commissioner, for them to  
8     decide who would chair the meeting. And this was -- you  
9     know, Glen agrees with this. I would hope that the other two  
10    commissioners would agree with it.

11            I think it's essential, because everything we do  
12    has to be so carefully complementing international domestic  
13    and integrating the two together. I think it would be a  
14    tremendous step forward.

15            MR. ROGERS: Linda?

16            DR. LUCAS: Hi, I had a number of general comments  
17    about this process and how it works. I guess I'll start out  
18    by saying this has been one of the more calm meetings I've  
19    attended, so in terms of the personal attacks, they were kind  
20    of minimized. What do the rest of you think? I thought it  
21    went relatively well, compared to our past history.

22            The first thing I want to say is that I see this as

1 an issue of self-governance, and how we the panel are going  
2 to take this empowerment that's just been offered to us and  
3 run with it. And I think the panels were established so that  
4 people outside the government can have access. I don't want  
5 us to give that access away for either ourselves or for  
6 anybody that might be appointed after us.

7 I think this process is a two-way function; not  
8 only do we give feedback to the agency in terms of how they  
9 write their policies, but by participating in these meetings,  
10 we get updated.

11 And I know there's a lot of stuff that goes on  
12 between meetings and outside of meetings and other  
13 committees, but this process is unique in that we have a  
14 diversity here of interests, who come together in one place.

15 And there's something to be said for the serendipity that  
16 comes from being locked up in one room for two or three days,  
17 and there are some benefits. And we heard just in the last  
18 couple of days so movement among the different interest  
19 groups.

20 So I know that I certainly get brought up to date  
21 pretty quick by both the preparatory materials that were sent  
22 in by participating in these meetings, and of course the



1 company's always good.

2 I think that there is -- you know, to select what  
3 you'd call an executive board, an executive committee that  
4 would liaison between the AP and the agency, would certainly  
5 increase efficiency. It would certainly be cheaper, and it  
6 would probably reduce the amount of heat that the agency  
7 gets. But we would also lose some of that serendipity that I  
8 mentioned.

9 I think your staff benefits, as well, from these  
10 meetings, in as much as they're able to interact with members  
11 of the panel and make direct contact with experts and people  
12 in the industry for data needs or to clarify issues or to  
13 make follow up phone calls in the next few weeks. We make  
14 those contacts.

15 I think we can get -- I would like to propose that  
16 we might have one afternoon set aside for the meetings for  
17 workshops for sub groups, so we might have an afternoon where  
18 the shark people or the recreational people or the  
19 international groups, as Nelson mentioned, could get  
20 together. And we could even have workshops that different  
21 members of the panel attended if they were interested.

22 And the lastly, I just wanted to second what Dr.

1 Hogarth said when he said he was looking for more  
2 transparency for the agency. I think this is an opportunity.  
3 If we keep meeting as one group -- I'm really indifferent  
4 about the chair idea. The billfish committee, the billfish  
5 AP, has had a chair the entire time, and actually I served as  
6 the chair for one meeting. I think it worked for us.

7 I think the way we were doing it this time has  
8 advantage, where you have the expert presenting the case. I  
9 think whether we have a chair or not depends a lot on what  
10 issues we're talking about. And we might want to reserve the  
11 option to have a chair for those discussions that would be  
12 appropriate to having a chair.

13 A PARTICIPANT: Thank you. I wanted to start by  
14 saying I think Chris Rogers has done a tremendous job in  
15 chairing this meeting for us, and I think we are -- we can be  
16 a difficult group to deal with and he's in a bit of an  
17 awkward position, but he's done a great job at doing it.

18 Also, the staff: the materials that we had for  
19 this meeting I thought were really on target and helped move  
20 things along. And the presentations were very competent. So  
21 I just wanted to start by saying that.

22 On the question of a chairman, those of you that

1     were here on the first couple of meetings we had, there were  
2     a lot of us that were very strongly supportive of having a  
3     chairman.

4                 In fact, we had even begun to talk about  
5     candidates, and two of the people that were very strongly in  
6     support of it, Ray Bolgen (phonetic) and Robert Fitzpatrick,  
7     are no longer here, so we kind of thought maybe that has  
8     something to do with their strong support of a chairman,  
9     particularly because we were told originally that we needed  
10    to get some legal advice before we could -- before it could  
11    be determined that the advisory panel could even have a  
12    chairman.

13                But I think there is a lot of benefit to having a  
14    chairman. I think that the AP members that come from  
15    academia and the councils and the states are the prime  
16    candidates to hold those positions, because the rest of us  
17    are in the trenches and have to -- I guess we have the dogs  
18    in the fight, as Dave likes to say.

19                So I think that's the place where we should look.  
20    A chairman gives the panel a bit of -- a measure of  
21    independence; not a lot, since the financiers still really  
22    control it, but at least in terms of a little bit more

1 consultation on the agenda and the structure, organization of  
2 the meeting. Some of us could maybe have a little bit more  
3 input on that.

4           Hopefully on the frequency of the meeting, and  
5 probably very importantly in the production of some kind of a  
6 report at the end of the meeting that reflects what we feel  
7 are the areas where we had a consensus on developing advice  
8 for the agency. And that of course would have some  
9 expectations that that -- that we'd be able to see that  
10 advice be filtered back through the process of regulation as  
11 we move forward.

12           So I guess I'm still strongly in favor of seeing a  
13 chairman at some point in time. You know, I don't know how  
14 we'd get there from here, but I hope we can.

15           MR. MOREHEAD: Thanks. Jack?

16           MR. DEVNEU: Yeah, thanks, Bruce. A few things. I  
17 think that I somewhat agree with Frank's idea of a strong  
18 chair, and I think actually Chris did a very good job at  
19 that.

20           One area where we might be able to stay not only on  
21 point, but condense the discussion a little bit is, and I'm  
22 probably as guilty of this as the next person is, maybe we

1    can limit on a particular topic how many times the same  
2    person speaks, you know? You know, to maybe two. Because  
3    ideas will reoccur that you may want to respond to, but  
4    sometimes we get in it where the same person is going to  
5    speak, you know, three or four times, and it may be me or  
6    someone else, and I'm not sure that shouldn't be limited.

7            Another idea is that frankly, I understand Nelson's  
8    opinion of the two panels together, although I think there is  
9    some value in having the two panels together, because I think  
10   there's a lot of talent; as Linda pointed out, that, you  
11   know, that more talent is actually brought out and sharper  
12   minds.

13           Perhaps one way to get another commercial seat on  
14   is, Bob McAuliff brought up last night that the U.S. Virgin  
15   Islands has no representation in this process, and perhaps a  
16   seat could be made available for them on the billfish AP for  
17   instance.

18           Another idea: I also endorse Nelson's idea on the  
19   ICCAT commissioners being invited. I think they add a lot.  
20   I think certainly Glen's perspective, you know, was  
21   important. I would imagine that Rolly (phonetic) and whoever  
22   the recreational commissioners' perspective would be equally

1 important to the discussions.

2 In terms of reappointment, I think attendance at  
3 these meetings should be a significant factor in the  
4 reappointment to the panel. It may not necessarily be a  
5 controlling factor, because there could be a very good reason  
6 why the person's absent, but I think it should be a factor in  
7 reappointment.

8 And at the public hearing portion of the -- you  
9 know, to the extent -- I'm not sure if we always had one. I  
10 guess we probably do. But I think the public hearing  
11 segment, rather than have the AP members talk first, I think  
12 the public should get everything they want to say out, and  
13 then if there's time, unless they ask a specific question of  
14 an AP member, I think the public should get whatever it needs  
15 to say in its entirety, and then if there's time available,  
16 let AP members discuss further.

17 One last thing: in the statement of organization  
18 practices and procedures here, I can somehow sense why  
19 Jonathan Mahew was so confused over what in the world we do  
20 here in terms of vote, non-vote and the rest of it. It's  
21 actually refers to non-voting and voting members here, and in  
22 the three years I've been here, we've never taken a vote.

1 And I'm not so sure it's not misleading.

2           Either that, or maybe we should start taking votes  
3 and making motions and that. You know, I don't know. There  
4 may be some merit in that it may give -- I mean, right now I  
5 think the Fisheries Service does a pretty good job of  
6 ascertaining the general consensus, but sometimes when there  
7 isn't a general consensus, it might be worthwhile to have a  
8 vote, you know, so you have a more definitive idea of where  
9 the will, the general will is, of the group. You know, or if  
10 it's such a divisive issue that it's really -- just provides  
11 you different perspectives but no clear guidance.

12           That's it.

13           MR. MOREHEAD: Thank you, Jack. Those are all good  
14 ideas. Ellen, do you have some?

15           MS. PEEL: I agree with most everything that was  
16 said. I think we should have a chairman, I think for several  
17 reasons. One, to keep -- guide us in our discussions, keep  
18 it structured, keep us to time limits. Also, it will take  
19 some of the direct pressure off the agency staff if we have  
20 one amongst us that we're directed a lot of our maybe  
21 criticism, at times, as well as constructive comments, to.

22           As far as meeting times, is it -- you know, I know

1     there are going to be a lot of moans going around the room,  
2     but as Nelson points out, since our decisions and what we're  
3     working with is so integrated with international, is it  
4     reasonable to think that we add another day to our two  
5     meetings a year for ICCAT that are already scheduled here?  
6     We are coming back next week.

7                 From a funding standpoint, I mean, it probably  
8     should be equitably shared, but ICCAT has certain funds to  
9     get us, those that are on the ICCAT and this panel, here. It  
10    might mean additional lodging, but we're here and so much of  
11    the decisions are inter-related and can benefit one another.

12    But if we were to meet first, before the ICCAT, that might  
13    have some good synergy and also be fairly efficient in terms  
14    of money.

15                And the subgroup idea that Linda recommended, I  
16    like, whether it's species specific or industry, or maybe  
17    there should be, you know, some of both. But I think those  
18    are good ideas.

19                A PARTICIPANT: (Inaudible.) Go ahead.

20                MR. ROGERS: Dave, Dave Wilmot?

21                MR. WILMOT: Thank you. In the past, I have  
22    rejected the idea of a chair from within the panel, and I



1 believe I still do. However, let me be clear: we need a  
2 strong moderator. And to ask anyone at HMS, it's just an  
3 unfair task. I don't understand why we couldn't get someone  
4 from within NMFS outside of HMS to spend three days in here  
5 and do what Jack Dunnigan did before. He did a nice job and  
6 I think it was effective. So I think for the moment I --  
7 although we need the organization and we need someone to keep  
8 us on task, I would still have to say I would prefer that we  
9 not do it from within.

10           The idea of the ICCAT commissioners chairing, I  
11 cannot object strongly enough. The conservation community is  
12 not represented with a commissioner. I don't believe that  
13 the commissioners need to be sitting at this table. NMFS  
14 represents the government perspective and they can very  
15 clearly tell us the government position on all ICCAT matters.

16   And John Graves sits around this table to represent the  
17 ICCAT advisory committee. So I object completely to the  
18 ICCAT commissioners being here as anything other than  
19 proxies, and that I wish I could object to.

20           The development of the agenda is a critical issue.

21   We need more input on that. I believe that NMFS most  
22 definitely should develop the agenda. We are here to give

1    you advice.  You know what you need to get done.  If we were  
2    to ask everyone around this table what we would like to see  
3    done, that doesn't necessarily match up with reality; I  
4    recognize that.

5               However, there are a lot of people around this  
6    table that have good input on what should be discussed to  
7    maximize the advice that you're getting.  We have to find a  
8    way to have input as you're developing the agenda sooner.  
9    This is a perfect example:  we had key issues and you did  
10   your best to accommodate us, Chris, and I appreciate that,  
11   but it made it difficult for you, possibly for the panel; it  
12   certainly made it difficult for us.

13              Breakout sessions were raised.  We can never do  
14   anything concurrent, in my opinion.  If we have to meet  
15   together, it has to be all sitting around this table.  There  
16   are many of us who have to cover every single species, every  
17   possible issue, so we can't be torn from one side to the  
18   other.  In an ideal world, we would not have to meet  
19   together.

20              As Rusty said, some of us wanted to see particular  
21   species broken out so that they're not always relegated to  
22   the end of the list.  Sharks can't compete with bluefin tuna

1 and swordfish; they never will. And so it's difficult for us  
2 to try to elevate shark issues. You saw where they fell out  
3 in the agenda today: they come out at the end of the third  
4 day.

5 Let me complement you on the presentations. The  
6 presentations were dramatically improved and the handouts  
7 were extremely useful. Please continue that. It was  
8 excellent.

9 Key staff: we need key staff here and they're not  
10 here. We need the scientists from the Miami lab, possibly  
11 some from up here as well. We need the attorneys here. I  
12 know Mariam is stretched to the limit, but we need Mariam in  
13 this room when we're meeting for the three days out of the  
14 year that we're here.

15 And there are other key sustainable fisheries and  
16 HMS staff that I would really prefer that they be here so  
17 that we don't always have to hear, we can get back to you on  
18 that or we'll find out about it. I know it's a big demand on  
19 you guys, but it would help in several of the discussions.  
20 For one thing, hopefully with a moderator here, they would  
21 provide the opportunity for corrections that need to be made  
22 on a consistent basis with this group, myself included, I'm

1     sure.

2                   Public comment:  please, let's let the public  
3     comment, period; be dedicated to the public.  They pay a lot  
4     of money.  They travel here.  They put a lot of time.  The  
5     deserve their moment, and we should be here to listen to them  
6     the entire time.  That should be a top priority.  You guys  
7     shouldn't -- you shouldn't reimburse people who can't come to  
8     the public comment period, in my opinion.  And if they want  
9     to ask questions to the AP or vice versa, if the public's  
10    comfortable with that, great, but we shouldn't be allowed to  
11    grill them either unless they want to answer a question.

12                  No votes.  I hope we don't go down that road again.

13    We rarely even get close to consensus around this table;  
14    that's not the point.  The point is for you to get advice on  
15    particular issues from us.  And I'm afraid that if we go  
16    towards votes and we go towards consensus, you'll get the  
17    wrong idea:  you'll get the idea that those are the actions  
18    you should take.  Bullshit.  Excuse me.  The areas where you  
19    should be acting, primarily, are where we disagree.  If  
20    you're going to wait to act on bluefin tuna until Rich and I  
21    agree, we'll never do anything.

22                  So I hope that we never move in that direction,

1     where consensus is elevated as desirable.  It's just not  
2     going to happen.

3                 Now, there are particular issues where we do agree,  
4     but they're no brainers, for God's sake.  No one is going to  
5     doubt that we all want compliance on particular measures or  
6     whatever.  So let's be careful about -- I hope you don't  
7     misconstrue what the lack of consensus is telling you.  You  
8     get good advice with different views, and then you decide  
9     within the legal framework how you should respond.  Thanks.

10                MR. MOOREHAD:  Here.

11                MR. ROGERS:  John Jolly.

12                MR. JOLLY:  Yeah, good going, Dave, you took my --  
13     put the words right out of my mouth about the ICCAT  
14     commissioners.

15                Just would like to say one thing:  I want to remind  
16     NMFS that I think it was in '92, three, four or five, I  
17     forget, that you promised that when the biological status of  
18     stocks was uncertain, you were going to err on the side of  
19     the resource.  The fishing clubs saw that; we endorsed that.  
20     We did in the white paper on king and Spanish mackerel  
21     management in 1985, and we're going to hold you to it.

22                A PARTICIPANT:  I'm going to defer to Sonja and

1     then go after her, because she's itching to talk.

2                   MS. FORDHAM:   Sonja Fordham, Center for Marine  
3     Conservation.   I want to agree with everything that Frank  
4     said, and I want to just second what Dave Wilmot said about,  
5     we need more input on the agenda.   We're against taking  
6     votes, against ICCAT commissioners being on the panel, and  
7     that the presentations and the handouts, were much improved  
8     and very, very helpful.

9                   I also agree with what Dave said about a chair, but  
10    I do have strong feelings that we do need some sort of  
11    facilitation and direction, and I did appreciate what Jack  
12    Dunnigan did for this group, keeping us focused on issues and  
13    concise.   I think this is really crucial.   We need some sort  
14    of limit on some of these debates, and I think this will help  
15    you to get the most constructive advice from this diverse  
16    group.

17                   I'm very concerned about the personal attacks, and  
18    perhaps the decibel level was less than previous meetings,  
19    but I still find the questioning of individuals' motivations  
20    and bringing up personal histories is really very troubling.

21    I think it's inappropriate and counter productive, and that  
22    it should not be tolerated in these type of meetings.

1           I do think that if we're going to talk a lot about  
2 international or protected resources issues, it's important  
3 to have an international and or protected resources staff  
4 member available in the room to help us sort out the facts.

5           I tend to agree with Rusty that we like the  
6 breakout groups, but if you can't do that, I would appreciate  
7 special consideration to putting some of the shark issues  
8 actually on the agenda and not saving them for last. I think  
9 that tuna may be -- sharks may not be the most valuable, but  
10 I would argue that their likely the most vulnerable of your  
11 HMS species, and they should get a little more consideration.

12           And speaking of consideration, on travel, I don't  
13 mind paying my travel costs, being a local person, but if you  
14 could consider that not all of the people that are here are  
15 coming --

16           (End side A, tape 5.)

17           MS. FORDHAM: -- but if you could consider that not  
18 all of the people that are here are coming from just up the  
19 hill, so some of us may be local, but we may have an hour  
20 commute. And starting at eight in the morning and ending at  
21 ten at night can be kind of difficult. So just keep that in  
22 mind, that we're not all at the hotel up the hill.

1           And I agree with Jack and with David that the  
2 public should have priority at public hearings. I think you  
3 can do, to ensure that -- or make it so that we have maybe  
4 one presentation, maybe the presentation is given at the  
5 public hearing for the specific issues, and then the public  
6 gets to debate. And if the AP members don't have enough time  
7 during the hearing, then we can continue the next day, but  
8 you could save time and energy by not having the presentation  
9 twice and not putting the public last. It's a public  
10 hearing.

11           That's all I have. Thanks.

12           A PARTICIPANT: Thank you. I have found these  
13 combined meetings to be extremely beneficial for me, and  
14 along the same lines as what Linda was talking about.  
15 There's nothing like being able to sit around here and hear  
16 arguments from everybody and to get caught up on what's been  
17 going on since the last meeting and what the current, you  
18 know, situation is.

19           So, you know, I find that aspect of these joint  
20 meetings extremely helpful for me, and it also gives me an  
21 opportunity to speak to whatever issue is at the table, if I  
22 think it's necessary. And also to answer questions of



1     whatever may be relevant to the area that I deal in.

2                 As far as an executive committee or some other  
3     group being formed, aside from like a break out session or  
4     something like that, if that executive committee or whatever  
5     other group meets at other times than this joint session  
6     does, if -- for me to be able to participate in that means  
7     more meetings to attend. And that's difficult to do, to  
8     attend a lot more meetings. I think over the last couple of  
9     years, the number of meetings that we've had has been real  
10    good and probably appropriate for what we've been working on  
11    within the last couple of years.

12                Also, as far as a chairperson goes, a chairperson  
13    is good with a small group, as with the billfish AP was and  
14    is; that works fairly well. I think with a larger group,  
15    it's more difficult to do, especially with a combined group,  
16    which chair person is going to reign and etc. I think it has  
17    worked really well to have a moderator in the past, and I  
18    think that would be a good way to go in the future.

19                MS. PERCY: Thank you. I think several things. I  
20    agree with most of what Sonja has said. I do think, though,  
21    that we do need a chairperson, and I think if they work in  
22    good conjunction with all parties, actually there should be

1 no problem. And I do think that the suggestion that Rich  
2 made about where to look for a chairperson is actually the  
3 appropriate one.

4 I have no problem with members from time to time  
5 going out in a subset for a meeting during the over all  
6 meeting, on issues pertaining to them. I'd hate to meet,  
7 though, with any less than were here, and I'd like everybody,  
8 actually, to be here.

9 I learned so much, although sometimes I felt that I  
10 was in the middle of a tennis match as a spectator, with  
11 people lobbing back and forth. And sometimes it was very  
12 informative and sometimes it was, quite frankly, distasteful  
13 when they got to the pejoratives with each other. I just  
14 don't like that. But for the most part, I will say it was  
15 very informative.

16 I have to thank the preparation that was sent to me  
17 to attend this. I think that whoever did all that did an  
18 excellent job, and I appreciate it; everyone here should.

19 I think that you were more than patient, but I  
20 think it would make your job easier if we did have a  
21 chairperson. And I think an executive committee, if used  
22 correctly, could be very helpful also. Thank you.

1           A PARTICIPANT: Thank you. We've got two plans  
2 we're dealing with, and therefore we need two APs. And I  
3 think where as it's always been -- well, I come from a  
4 council, so I'm used to APs and what, but this is slightly  
5 different because you don't have open council meetings in  
6 your deliberations on what we do. So there is a difference.

7           But I think that if you're going to do a chair, you  
8 need a chair and a vice chair. Mechanically, the best way to  
9 do that is to have the chair sit right next to the vice  
10 chair, and the vice chair keeps an eye on who should speak  
11 next and the chair can concentrate on running the meeting,  
12 which is much what you did.

13           And we ought to have two, one for each AP, in case  
14 they meet separately. Generally speaking, NMFS chairs have  
15 been pushing NMFS company policy on the AP, but quite  
16 frankly, Chris, you were expert at avoiding that. So that's  
17 a welcome relief, so I'm not all excited about chair or not  
18 chair right now.

19           I don't think we ought to have a executive  
20 committee or subcommittee, whatever you're talking about,  
21 that we all ought to be in on whatever happens. No matter  
22 how many you get in this room, it's really not going to be

1   totally representative. So to take even fewer of us to make  
2   any comments or input is short changing everybody else and  
3   what's going on. So I'm against that.

4               I don't -- agree with Dave 100 percent that if you  
5   have breakout groups, it has to be done, if it's going to be  
6   done, so that everyone can attend to everything. And so why  
7   bother with the breakout group? And I'm not -- wouldn't be  
8   happy with the ICCAT commissioners running this show; they  
9   have their own show to run, which is next week's show.

10              And although it is a good idea to get input as to  
11   the feeling of what went on and how it went down at ICCAT,  
12   maybe between Graves and Kim, we could get that. Consensus  
13   to me is the way to go, because we are only advisory, and a  
14   vote really means nothing. When we get the vote on the  
15   council from an AP, it's a matter of, well, who voted which  
16   way, because then we know which interests feel which way.  
17   And if you're sitting here participating, listening, watching  
18   and getting a feeling of which groups feel which way, that's  
19   the best we can do.

20              And I do want to say thank you for getting a  
21   meeting when we could all get together. I know it's a touchy  
22   process, but to me the way it was run was well run and

1 everything. I mean, some of the other guys were impolite to  
2 me, but I wasn't impolite to anybody, you know. I'm used to  
3 that this week.

4 A PARTICIPANT: (Inaudible.)

5 DR. LUCAS: Yeah, I just had one more point to make  
6 that I've been making ever since the very beginning. We  
7 really do need to get ourselves straightened out about what I  
8 call the commercialization of this panel. Everyone in this  
9 room, on this panel, has got an opportunity cost. We have a  
10 daily rate. We have something else we probably could get  
11 paid to do.

12 And so this whole idea that we should pay our own  
13 way and we never know if our expenses are going to get paid -  
14 - and in my case I have to go to my dean and get expenses. I  
15 don't have an expense account for this kind of activity, and  
16 I have some discretionary funds, like everybody does. I  
17 think it's simply inappropriate. Either we're going to pay  
18 for access to the government, which is what it looks like if  
19 you have to pay your own way to be on this kind of panel and  
20 we ought to operate that way, or we're not.

21 And this is -- I'm not directing this at you, but  
22 this has been the philosophy ever since the beginning. It's

1     irked me ever since the beginning, and so I'm still irked  
2     about this.

3             I need to know, with more than three weeks advanced  
4     notice, when I have to go somewhere. I've got classes that  
5     depend -- everybody else has got things that they have to do,  
6     too, so I'm not setting myself out as some unique case here,  
7     but I think we really do need to -- the agency needs to be  
8     clear about the role of this panel, and we need to be assured  
9     that our expenses are going to get paid, and we need enough  
10    notice to get our act in order.

11            And in that case, then we can have a system where  
12    you can make a call for agenda items, and then people can  
13    respond to that call and we can have a little bit more order  
14    in terms of planning things (inaudible).

15            MS. JOHNSON: Thank you. Gail Johnson. Lots of  
16    things I agree with. For instance, no votes. It just makes  
17    the appointment even more important and it drives things  
18    where you don't want to go. The advice that you get is in  
19    the dialogue.

20            Workshops are -- sound like a really good idea, but  
21    again, it's coverage. The environmental people feel like  
22    they're stretched too thin. I feel like we're stretched too

1 thin. Everybody's got their own issues, that if you're not  
2 at that particular workshop, you don't know if it's covered.  
3 So keep them right here.

4 The commissioners, one or all, I think they need to  
5 be here, not to chair the meeting, because they may or may  
6 not have their own agendas, but we can get pretty far afield  
7 here in the world of the possible or impossible and sometimes  
8 we need a little bit of grounding as to what is reality.

9 Public hearing is a public hearing, and they do  
10 need to come first. We can argue until the cows come home or  
11 the fish go to roost or whatever.

12 Last point is, thanks very much for those handouts;  
13 they only thing is, they could be a little bit bigger,  
14 because my glasses aren't quite good enough, but I like the  
15 way they were with the note space. And the presentations, I  
16 don't know as I really would have noticed that it wasn't the  
17 people who were supposed to be presenting, because they all,  
18 I think, did a good job. Thanks.

19 A PARTICIPANT: I guess I disagree with Dave and  
20 Gail on the -- and others, on the issue of those who think  
21 that we shouldn't vote or try to work around the room and get  
22 a clear consensus on some issues. I think, in part, that's

1    what advice is all about. I think that's what Congress  
2    intended to do when they created the advisory panels. It  
3    certainly was the input that we had into the process when the  
4    panels were being developed. We were looking for some kind  
5    of an organizational entity, a vehicle, that could serve a  
6    council-like process without all the window dressing there.

7               It's not simply enough to hear the dialogue and  
8    then NMFS goes away and makes a subjective determination of  
9    what the advice from the advisory panel is. That wasn't what  
10   we were looking for in the whole process; we wanted someplace  
11   where the debate could take place.

12              Hopefully the agendas will thin out a little bit so  
13   we can spend some more quality time on individual issues.  
14   It's not always going to be conservation issues, where Dave  
15   has to worry about being out voted. We've got management  
16   issues and we have user groups and stake holders all around  
17   the room on management issues. And sometimes you just have  
18   -- if you really want to show what the advice is, what  
19   consensus is, what close to being consensus is, you have to  
20   be pretty specific about it and you can't -- and you're going  
21   to lose some battles and you're going to win some battles.

22              So I prefer to not give up the option that on



1 certain issues, this panel is going to have to think hard and  
2 wrestle with some difficult issues, and take a stand and even  
3 vote. I'm not saying on every issue, but on some issues you  
4 may vote or at least poll around the table.

5 A PARTICIPANT: Perhaps you said at the beginning  
6 of the meeting, but I don't recall. Do you -- does the  
7 agency not have funding for a moderator again? I mean, Jack  
8 did a splendid job. You did an excellent job, Chris, but I'm  
9 just thinking, having someone outside the agency also was  
10 good.

11 A PARTICIPANT: I'll take responsibility for that.  
12 Chris and I talked about it and I thought we would try doing  
13 it with just Chris chairing during the meeting, that we did  
14 this time.

15 MR. ROGERS: I wanted a moderator. I want you to  
16 know that.

17 A PARTICIPANT: It's an open question. I mean, I  
18 hear a lot of sentiment that people like the idea of having  
19 somebody outside the HMS position to moderate the meeting or  
20 facilitate the meeting. We can certainly evaluate that for  
21 the next meeting.

22 A PARTICIPANT: Get Gary Matlock back; he'll keep

1 everybody in line.

2 A PARTICIPANT: No.

3 A PARTICIPANT: No, you guys have plenty of good  
4 people in house. I don't think we have to go hire a  
5 facilitator. Bring someone in who, you know, has three days  
6 to play God in here. When I get equal representation on the  
7 panel, I'll support voting.

8 (Interruption to tape.)

9 A PARTICIPANT: Then get me equal people on the  
10 panel.

11 A PARTICIPANT: Thank you, Mr. moderator. Just one  
12 final issue. I don't have any trouble, actually, with the  
13 Fisheries Service setting the agenda. I think actually if we  
14 do request for agenda items, it might get too cumbersome. We  
15 might have too much there. If somebody doesn't get their  
16 item on the agenda, then the next thing you know, you've got  
17 a situation, well, why not? You know, what's wrong with my  
18 agenda item?

19 And I think there has been, especially if we can,  
20 you know, run the meeting as tight as possible -- you know,  
21 I'm unaware of anybody that didn't get to, even though the  
22 audience might be somewhat smaller at the end here, but I'm

1   unaware of anybody that didn't get to address something they  
2   really wanted to address. I think you've done a good job  
3   accommodating that.

4               So just from my own personal point of view, you  
5   guys really need -- you know, you've got a pretty good idea  
6   of what the stuff is that you need advice on. You know, and  
7   if something that's not there, you've done a pretty good job  
8   accommodating, I think.

9               DR. CLAVERIE: Yeah, on the vote thing, on a  
10   council, when a council votes for something, NMFS has two  
11   choices: take it or leave it. They can't modify. No matter  
12   what voting we do, it carries no weight, really. I mean,  
13   NMFS can ignore us or totally change -- if we were unanimous,  
14   NMFS could totally change what we were in favor of. So the  
15   voting for practical purpose, has no meaning.

16              On the other hand, we could unanimously support  
17   something, and when it hits the street, half the world could  
18   be madder than hell about it, you know. So it doesn't --  
19   it's not really representative, either. So in that getting  
20   to a vote situation does take time and energy, I'm against  
21   it.

22              But if there's something we have a consensus on and

1 really want to impress NMFS with -- and we've been through  
2 that, sometimes when they didn't want to hear that we were  
3 all in favor of something that they weren't too happy with,  
4 we've gone around. And I think we took a vote on that  
5 airplane issue, but whether we did or not, we got blames for  
6 taking a vote. So that seems to have worked, whatever we  
7 did, and I assume we'd just do it in the future, you know, on  
8 that sort of thing.

9           And on the chair, if we're going to have a chair  
10 from NMFS, I would say the best one we've ever had from NMFS  
11 is the one we have this time. So why go somewhere else? It  
12 might not have been good on him; maybe it took away --

13           A PARTICIPANT: (Inaudible.)

14           DR. CLAVERIE: It may have taken away from his  
15 ability to really concentrate on what was going on, because  
16 he had to concentrate some on running the show, but I don't  
17 see where we go elsewhere in NMFS, because the only reason we  
18 would need a chair is to keep from NMFS being able to 100  
19 percent run the meeting. And the way this meeting was run  
20 was not NMFS imposing their program on us. So that doesn't  
21 bother me in this instance.

22           A PARTICIPANT: Okay, let me just chime in. I got

1 my list. It's been a very reasonable discussion, probably  
2 our least contentious, because there's no serious problems or  
3 serious issues here.

4               Votes, I'd say no votes. I think a lot of us would  
5 be forced to vote on issues that we have no expertise or  
6 little expertise, and perhaps no interest in, and so that  
7 would provide an imbalance. If you want to be part of a  
8 discussion, you're part of it and you have your input.

9               Chair, I can see the usefulness of a chair as a  
10 facilitator but not as an agenda setter or a report writer  
11 afterwards. So however we handle that, if we have somebody  
12 from outside the committee, I would hope that they would not  
13 be some sort of hired professional facilitator, but somebody  
14 that's truly informed on the subject, so we don't have to  
15 spend half a day educating them about the proper language,  
16 etc.

17               I'd like to see the meetings set at least a month  
18 ahead of time, for a couple of reasons. One is to get the  
19 agenda to the members so that we can review it and have input  
20 on that agenda. Another more practical reason is so that we  
21 can take advantage of lower airfares to help on the travel  
22 situation, no matter who pays for it.

1           No executive committee. I don't see a need for  
2   that. I think everybody should be involved, whether they  
3   want to be or not, on all the discussions, and that's what we  
4   all signed onto.

5           Also, eliminate the advisory panel member speeches  
6   at the public hearing, although I can't talk about this  
7   because I wasn't at them last night, the first one I've  
8   missed since I've been on this panel. But we have plenty of  
9   time for our input, and really, that should be strictly for  
10  the public.

11          And last, I have to admit that I kind of like the  
12  personal attacks. They're entertaining, they keep me awake,  
13  and I get to know people that way. And honestly, I think  
14  that as long as we're attacking each other's words and we're  
15  not talking about somebody's mother or something, that most  
16  of it's fair game. I mean, we can perhaps tone down some of  
17  the language, but you know, let's -- I think we know each  
18  other now after a few years, and I think there's a lot of  
19  thick skins here, in most cases. So let's not get too  
20  politically correct on that. I think it keeps things kind of  
21  interesting.

22          A PARTICIPANT: Yeah, to Mau, I know for sure that

1 we can vote, be 100 percent, and NMFS is going to -- could  
2 possibly ignore us. And by the way, I've been very satisfied  
3 that when we come to consensus or close to a consensus, or  
4 when there's a clear majority position on an issue, so far I  
5 think the track record is pretty good.

6 I'm just arguing that I think that's why we need to  
7 do that more, because then there is some accountability, as  
8 well. You can clearly see that you remember those issues  
9 where you worked hard, you developed a consensus, and if  
10 there isn't a follow through, you'll be able to identify it  
11 and hopefully even be able to have some evidence of it.

12 I'm not supportive of a NMFS chairman; I would  
13 prefer a floating chairman, rather than having one person in  
14 NMFS be identified, because I think that subjects us to an  
15 agenda being developed that's an agency agenda, as opposed to  
16 our own. And I do support internally that we have our own  
17 chairman. And I think we have plenty of competent people in  
18 this room that could serve as chairperson and run the meeting  
19 and give us a little bit more of our own identity and  
20 independence. And I think that would be good for the group.

21 A PARTICIPANT: If they send out the proposed  
22 agenda, I mean, the agenda is generated by staff, by NMFS, by

1    whoever is running the show.  If NMFS sends out the proposed  
2    agenda to us some period of time before the meeting, whether  
3    it's a week or a month or whatever, and any of us have any  
4    additional items to add, haven't we generated the agenda?  Or  
5    even if when we get here, if we say I'd like --

6           A PARTICIPANT:  I apologize.  I didn't mean by  
7    agenda the specific paper agenda; I meant an agency agenda in  
8    the more philosophical sense.

9           A PARTICIPANT:  Oh, well, that's what I was talking  
10   about.  Chris has avoided pushing that on us in this meeting.

11          A PARTICIPANT:  I agree.  I agree.  I started off  
12   by -- I started out --

13          A PARTICIPANT:  (Inaudible.)

14          A PARTICIPANT:  I started off by complementing him  
15   on the well run meeting, and it's nothing personal at all.  
16   And Jack Dunnigan, I thought, did a fabulous job, as well.

17          A PARTICIPANT:  (Inaudible) chair of the --

18          A PARTICIPANT:  Billfish.

19          A PARTICIPANT:  (Inaudible.)

20          A PARTICIPANT:  Right.

21          A PARTICIPANT:  He ran it with an iron hand, but --  
22   like he has (inaudible).



1           A PARTICIPANT: He was effective.

2           MS. FORDHAM: Sonja Fordham, Center for Marine  
3 Conservation. This may be the first time I've even disagreed  
4 with Bob on the record. I just want to not trivialize some  
5 of these, what we're talking about, personal attacks. I  
6 think that some of the remarks may be lighthearted, and  
7 Chicken Little or whatever; they may be amusing and keep us  
8 awake, but Bob did miss the public hearing and we did have a  
9 protracted back and forth debate that included some real  
10 personal history, back a few years. We had shouting. And  
11 that's what I find especially troubling and I don't think  
12 should be --

13           A PARTICIPANT: (Inaudible.)

14           A PARTICIPANT: I was talking about the panel  
15 meeting.

16           MS. FORDHAM: But it's happened here, too. It's  
17 the personal questioning of people's motivations. It's not  
18 all lighthearted remarks, so just don't trivialize that.  
19 Thanks.

20           MR. BEIDEMAN: Yeah, I agree with a lot of the  
21 different comments around the table, but I had a couple of  
22 questions, one about what -- something that came up last

1 night, and one about procedure. And that's that it seemed to  
2 me that there's a small group that was afforded three  
3 different public hearings.

4 And I don't know how that came about and how that  
5 fit in, but you know, it seemed like the first day, the  
6 agenda of the committee came to an abrupt halt so that  
7 someone could speak at 5:00, and they had the first public  
8 hearing, and that was very personal attacks. And, you know,  
9 I don't think we should ever go to that level.

10 And then the next morning, they had a second public  
11 hearing in the middle of the agenda, or we shifted the  
12 agenda, or what have you, and then for the real public  
13 hearing they had their third public hearing. Boy, I wish I  
14 could get some of that when I've got an issue running. It's  
15 bad enough to get my hand up the second or third time, you  
16 know. But I don't know where that fit in, you know.

17 A PARTICIPANT: (Inaudible.)

18 MR. BEIDEMAN: No, no, this is only my second time,  
19 so no, I can't be brief.

20 A PARTICIPANT: He's telling us what's on his mind.

21 MR. BEIDEMAN: I thought this has been a three day  
22 long line AP meeting, myself. What can I say: when you

1 catch as many species as we catch and you catch all them  
2 poundage that we catch, you got to talk a lot. It's tough.  
3 I mean, you know, I like seeing everyone and I like the  
4 expertise at the table when the two panels are combined, but  
5 I don't like even thinking about the thoughts of taking votes  
6 when the pelagic long line fishery has three representatives.

7 Three representatives. And we get a fourth when  
8 the panels are combined, and it's like what, how many seats,  
9 forty five seats or something? It's insignificant. That's,  
10 you know, the majority player and quite a few of these  
11 fisheries, and it's insignificant. So I would say no on  
12 voting at this time.

13 But something that Ellen brought up. Ellen, I'm  
14 going to talk about you.

15 A PARTICIPANT: (Inaudible.)

16 MR. BEIDEMAN: You know, to have the meetings  
17 closer to the IAC, I think that would be helpful, instead of,  
18 you know, having to come in twice. And it's painful, but  
19 yeah, yeah, that would be helpful.

20 But having at least one of the commissioners here I  
21 think is absolutely critical. I disagree with some of the  
22 comments on that, because, you know, these issues do have to

1 get integrated, and we can give advice that is absolutely out  
2 of the range of realism.

3 I'll save the question on an issue that was raised  
4 last night I wanted to ask a couple of questions about, until  
5 after this discussion.

6 A PARTICIPANT: Yeah, actually, further to  
7 Richard's point regarding a chair from within the AP here, I  
8 first of all, in the absence of Chris doing it again, which I  
9 would, you know, support -- I think you've run a very good  
10 meeting, Chris -- there is nobody here that I would have a  
11 problem chairing the meeting. I don't think anybody here --  
12 I think we're all, you know, very fair minded. And sitting  
13 in a chair's position, I don't think there's anybody here  
14 that would sit and push a particular agenda. I really think  
15 anybody at this meeting here could serve as chair.

16 So I would rather, in the absence of Chris doing  
17 it, I would rather see a chair from the AP here, rather than  
18 the Fisheries Service or an outside person.

19 A PARTICIPANT: We've struggled from the beginning  
20 with the separation of domestic versus international issues,  
21 and I worry about just the close proximity intensifying that  
22 conflict. It's my major concern with having the ICCAT

1 commissioners here, because we often hear the commissioners  
2 speak as individuals, and they disagree with the  
3 interpretation the U.S. government took when we come back  
4 from ICCAT, which I find completely inappropriate, but it  
5 happens all the time.

6 I simply don't want the ICCAT commissioners here  
7 telling me what the U.S. position was, when it's different  
8 from what the U.S. government's telling me, even though they  
9 have God-like stature with many people around this table.

10 Therefore, bringing the meetings close together I  
11 think is a problem. There are many who would be very happy  
12 to have these fisheries managed solely through ICCAT. Well,  
13 thank God we have domestic law that doesn't take that  
14 approach. Your obligation here has always been domestic.  
15 You're following the Magnuson-Stevens Act and other domestic  
16 laws, ESA and others, to do what you have to do under the  
17 law. I don't have any problem staying focused on that, and  
18 if other people do and think it's a disconnect from reality,  
19 that's simply their problem.

20 A PARTICIPANT: Chris, on commissioners here, that  
21 introduces dialogue that's commissioner oriented, and I can  
22 tell you that we were having a dialogue with commissioner --

1 he was here for someone else, other than being a  
2 commissioner, but when he started in on that, I was looking  
3 around saying, oh my God, I hope Sally's not here to hear all  
4 our strategy. And that, I think, is a danger. That's why  
5 they have a closed session part to the ICCAT advisory  
6 committee, and we stand a big chance of getting into that,  
7 and from what we saw this time, having a possible serious  
8 problem.

9           A PARTICIPANT: Yeah, I thought Ellen's suggestion  
10 was reasonable, although I understand David's concerns; I  
11 share those concerns, as well. But something has to be done,  
12 in my opinion, to at least reimburse the participants who  
13 don't otherwise have a source of funding to attend these  
14 meetings. Otherwise, you will de facto structure this  
15 committee in another way, and Linda expressed it a lot more  
16 eloquently than I can. But I think I would urge the  
17 government to please try to find some solution to the travel  
18 reimbursement.

19           A PARTICIPANT: I'd like to say two things at this  
20 point. I think in the future, if we have a meeting, the  
21 government will pay for the travel, you know. That would  
22 have been a policy for virtually all the meetings, and we

1     want to make sure that we call meetings -- we will have that  
2     money available in the travel ceiling.

3             Also, on the agenda, we will endeavor to get a  
4     draft agenda out in enough time so you'll have a chance to  
5     have an input or two.

6             A PARTICIPANT: Thank you. My colleague brought up  
7     a fishery that we had incorporated in the original billfish  
8     management plan, done by the council, which I think it was  
9     called an artisanal fishery there. I think it's the same  
10    thing he's talking -- is NMFS going to do anything about  
11    that? Is that --

12            MR. ROGERS: Well, we (inaudible) -- the bill --  
13    the original billfish plan sort of put the onus back on the

14            (Interruption to tape.)

15            MR. ROGERS: -- develop the parameters and collect  
16    information. That was not adopted through regulation in the  
17    final FMP, with respect to billfish. They wanted exemption  
18    from (inaudible) to billfishing and sail billfish.

19            But they were exempted, so to speak, in terms of  
20    the swordfish, tuna hand line fishery, and they were exempted  
21    from permitting, and therefore reporting requirements. We  
22    reversed that, I guess, in the rule-making back in '96 or

1 seven. But we did, we basically had gone to the council  
2 (inaudible) hey, this so called artisanal fishery that you  
3 were going to provide us information about, we hadn't --  
4 information hadn't been filtering back to us, and we have a  
5 complete disconnect with the operation of this fishery.

6 In fact, I guess Buck Sutter had gone to the  
7 council, Caribbean Council meeting, and they actually agreed  
8 with the position that it seemed to be growing in its stature  
9 and needed to have permitting and reporting requirements for  
10 it, which we have done.

11 The point of contention last night was whether we  
12 effectively communicated to the individual operators in those  
13 fisheries, as opposed to the government structure and the  
14 council type folks. And they seem to, at least according to  
15 Bob, have missed the boat in terms of applying for and  
16 receiving those now limited access permits.

17 So it was a two phased approach: one was to just  
18 bring them into the over all system of open access, and then  
19 if they had reported, they would have been in our records and  
20 would have qualified for the directed or incidental swordfish  
21 or tuna. They did have another opportunity to apply for the  
22 hand gear permits, on the basis of income derived.



1                   And again, we made several efforts. I know Buck  
2 was down there at least twice in the Caribbean; Rebecca was  
3 down there once, and --

4                   A PARTICIPANT: (Inaudible.)

5                   MR. ROGERS: Mm-hmm, you had the billfish meeting  
6 there at St. Thomas.

7                   A PARTICIPANT: St. Croix.

8                   MR. ROGERS: St. Croix.

9                   A PARTICIPANT: Well, it's nothing that requires  
10 plan changes or anything now?

11                  MR. ROGERS: Well, I think it's a very difficult  
12 box to re-open, in terms of fairness and equity. We had a  
13 very painstakingly developed, limited access procedure, the  
14 appeals, the time limits, and that's all done and gone. And  
15 if we were going to re-open that, it begs the question of, do  
16 we open it for one sector or are there other people who could  
17 make the same claim, that they weren't informed that this was  
18 going on? It's a hard situation.

19                  We had no immediate plans to address it. Bob has  
20 made this comment directly to us on a couple of occasions.  
21 He wanted the advisory panel to hear it. If the advisory  
22 panel had a position or wanted to take a position on it, that

1     was the point of his making that presentation, if there was  
2     any further discussion on the part of the panel members.

3             But we perceived it as to be limited access  
4     program, was implemented, has been fully implemented, and  
5     those who received the permits, either through the initial  
6     distribution or through the appeals process, have received  
7     them.

8             Nelson and then David.

9             MR. BEIDEMAN:  If I could, this question's been on  
10    my mind since last night.  Didn't we extend the application  
11    period for the limited access hand gear permit?  Am I -- for  
12    this very reason, that there was problems getting in and it  
13    was extended either to September to December, or I believe it  
14    was September of one year to December of the next year.

15            So not only did they have ten years of debating  
16    this in almost every meeting we've been in for ten years,  
17    also had enormous media and everything else coverage on the  
18    HMS FMP process and the billfish FMP process.

19            We went down there and there's been a shake up in  
20    the permit, the dealer permits down there, and the Atlantic  
21    Tuna Convention Act, or, you know, Atlantic Tunas permit.  So  
22    I know those in the fishery were aware of all that.  And I

1 believe that we either had a three month extension or a year  
2 and three month extension to make sure everybody had, you  
3 know, a grand opportunity to get their applications in.

4 I would just reiterate, you know, what we had  
5 placed on the record earlier, that, you know, until this is  
6 settled out, there's very hard fought for, thought out, etc,  
7 limited access system; we shouldn't jump into making  
8 loopholes and breaks into it. I was completely blindsided by  
9 that last night. And Bob is on the Bluewater board, gets all  
10 the materials, and 6:00 every morning he is going over all  
11 those materials every morning. So --

12 A PARTICIPANT: (Inaudible.)

13 MR. BEIDEMAN: Yes.

14 A PARTICIPANT: (Inaudible.)

15 MR. BEIDEMAN: Yes.

16 MR. ROGERS: Well, again, we made every attempt to  
17 connect with those individuals. Initially, when we just  
18 brought them into the permit framework, because they had been  
19 specifically exempted from the need for swordfish or tuna  
20 permits by regulation; we changed that, and I guess that was  
21 final probably sometime in '98, at the same time, limited  
22 access was going.

1                   And so they did have some time to get the permits,  
2   get in the system. They would have received the mailings had  
3   they done so. We made every effort that we could, through  
4   every channel that we knew, to do that, and I believe we did  
5   have an extension to December first. I guess that was a  
6   couple of months' extension, Margo? And that was -- I don't  
7   know if that was specifically for this situation, but we did  
8   do a specific targeting information campaign for that area  
9   during that time period.

10                  MS. SCHULZE: Right, it wasn't actually an  
11   extension, but it was three months longer, only for the hand  
12   gear permits because of the need to let people know and get  
13   the word out so they had plenty of time.

14                  MR. BEIDEMAN: I'd just, you know, like to say that  
15   I think that the agency is on firm grounds on this.

16                  A PARTICIPANT: I was just going to say, based on  
17   Jonathan Mahew's comments and then Bob, is that the  
18   gentleman's name from the Caribbean? I think these people  
19   really underestimate our insignificance as a body. They  
20   address these things at us as if we were having some big  
21   impact on spotter pilots, and then yesterday Bob appealing to  
22   us as if we could make a change.

1           Maybe NMFS should make clear to folks, to be honest  
2 Bob's sitting here representing those individuals in the  
3 Caribbean. That's taken just as seriously by you guys as  
4 anybody sitting around this panel. Now, he may be at a  
5 disadvantage because he can't be flown up here and have the  
6 opportunity over three days to raise this issue, but the  
7 public should just realize there's no added weight given to  
8 the recommendations because someone's sitting around this  
9 table.

10           And I just felt from Jonathan in particular, I just  
11 felt that the decision that was made, and I'm not even sure  
12 what we decided and how, I don't remember if we voted, but we  
13 were not responsible for NMFS' actions or Congress' actions.

14       But poor Jonathan feels like we were it, if we had done  
15 something differently, his life would be very different.  
16 That's almost an unfair burden to put on us. We are not  
17 significant in that regard.

18           DR. CLAVERIE: Well, if granting permits to them at  
19 this time would not interfere with any quota fisheries, quota  
20 species, i.e., billfish or bluefin tuna, what difference does  
21 it make then? Is it a big deal?

22           I mean, as I understood, he was saying not only did

1    they not get the word, but they got -- through other  
2    regulations they got thrown out of the areas where they had  
3    been fishing in the -- whatever you call it, state waters or  
4    something, instead of the EEZ waters. And so that is a  
5    change, according to him.

6                   How much weight that bears, I don't know, but if  
7    they were to be granted, and I asked about billfish and he  
8    said there would be no billfish landed to interfere with our  
9    250, but I didn't ask him about bluefins that I recall. And  
10   isn't that the only other quota species? Bluefin and  
11   billfish, right?

12                  So the question is, is it a big deal if it's  
13   reconsidered?

14                  MR. ROGERS: Well, it's a big deal from the stand  
15   point of fairness and equity.

16                  A PARTICIPANT: Procedurally.

17                  MR. ROGERS: Yeah, procedurally the -- well, the  
18   procedures were established by regulation, they were  
19   advertised. Those who were not satisfied with the initial  
20   distribution got on the record, made their appeals, and they  
21   were either granted appeals or denied; at least one  
22   individual has taken the denial on appeal to court.

1                   So the procedure was established, the deadlines  
2   have all passed, and to open that whole limited access permit  
3   situation up again for a particular group, we'd have to be --  
4   well, that's it, you know. We'd have to have some compelling  
5   reason why this particular group needed to have access  
6   redressed for this oversight and communication, as they  
7   claim, that somebody else couldn't claim, and whether or not  
8   there are folks in Florida or the Gulf or New England who  
9   would also like to get hand gear permits at this point in  
10  time.

11                  Linda?

12                  DR. LUCAS: Yeah. I just -- I wanted to say --

13                  MR. ROGERS: Did you know there's a \$10,000 prize  
14  for the person who makes the last comment? That's --

15                  DR. LUCAS: Well, I'm going out -- I was just  
16  reminded the shuttle's here. I just wanted to be on the  
17  record that I second what Mau says: I'm very sympathetic to  
18  examining if this group of people has any way to fish. I  
19  think that there were cultural issues here, there might be  
20  indigenous issues here, and it's worth a look. I have no  
21  idea, legally, about limited access, but I would be very  
22  sympathetic to trying to find a way to enable them to

1     continue to have their livelihood.

2                   MR. ROGERS:   Pat and then Nelson.   Ellen.

3                   MS. PERCY:   Well, I'm not going to take the time  
4     that Nelson does.   I question, quite frankly, both issues,  
5     why we were hearing them, because I didn't understand why we  
6     were.   I knew somebody let it happen, but I still -- when  
7     someone gets three turns on successive things, it just seemed  
8     to me an enormous thing, especially when the person did  
9     understand the issue and has understood the issue, which  
10    would be about the planes.

11                   It has nothing to do with us, as I understand it.  
12    It was a bill that went through Congress.   We're neither  
13    Senators nor representatives; we can't do anything about  
14    that.   And perhaps if somebody could make that clear to the  
15    gentleman, that we're not it, it would have relieved him of  
16    some of his angst, and surely we could have discussed in  
17    detail other issues.

18                   As far as the people with limited access, I don't  
19    know if they knew or not.   And I don't know if we -- I'm very  
20    sympathetic to that, but I don't know if that belonged here  
21    at that point in time, until we had background information  
22    about it.   Thank you.



1                   MR. ROGERS: Okay, Nelson and then Ellen.

2                   MS. PEEL: Well, I'm probably less sympathetic. A  
3   number of issues: on the issue that Pat was bringing up,  
4   yeah I think that perhaps if you had not been so nice and  
5   giving of the time -- I mean, that's commendable and  
6   honorable, but had he known that it was a legislative action  
7   and we have no authority to change it, and perhaps you didn't  
8   have full knowledge of what all he was going to do or say,  
9   but we could have nipped that in the bud and used that.

10                  On the issue that Bob raised, and Mau is referring  
11   to, I think we open up a huge can of legal worms, and there  
12   are plenty of those crawling around the fisheries now that we  
13   don't need to spawn any more. I mean, I think legally you're  
14   going to have a huge mess there if you start opening that up,  
15   because then someone is going to say, well, you made an  
16   exception and opened it up for limited access, how about  
17   opening it up on something else that's totally unrelated.

18                  So while you can have empathy for all sorts of  
19   special segments, there's also responsibility for each of  
20   those segments to be informed. Bob is there. He was at a  
21   meeting. If they fish and they participate in the council or  
22   the state agency, were -- I think they had ample opportunity,

1    so I don't think we need to go back and restructure and open  
2    up this whole process for those who didn't take some  
3    responsibility of being informed.

4               Separate from the legal issue, from a species  
5    impact, in particular on marlin, Bob is telling us on one  
6    hand that there are so many blue marlin down there they're  
7    pests, he's telling me that oh, God, the poor tunas are  
8    coming up speared by the marlin, you know; the next thing you  
9    know, he'll be telling these indigenous folks that they're  
10   probably under utilized species and go get them.

11              I think, you know, let's leave well enough alone.  
12   Encourage them to participate in our next meeting in the  
13   Virgin Islands, should we have one, so that they can have  
14   some input and learn more about how it operates, and maybe  
15   next issue they won't stay at home.

16              MR. BEIDEMAN: From what I understood, the concern  
17   was an artisanal, subsistence type situation. And they're  
18   not locked out of anything except for swordfish, to be able  
19   to sell, or sharks to be able to sell. They can still go out  
20   and catch swordfish and eat it, and the panel recommended a  
21   bag limit and, you know, recommendations for the closed  
22   areas. They could still go out and catch sharks and eat it.

1       They can still sneak in all their marlins and eat them.

2               A PARTICIPANT:   They can eat the marlin?

3               MR. BEIDEMAN:   Yeah.   And tunas, they're completely  
4   wide open.   I mean, if they have the right --you know, they  
5   can get a general category and sell their tunas.   So I don't  
6   understand what he was even --               A PARTICIPANT:   One

7   comment about what Bob had to reveal about the fishermen down  
8   in Puerto Rico and stuff, the Virgin Islands, whatever.   The  
9   Caribbean reef shark is probably one of the most populace  
10   sharks in that area.   It is a prohibited species.   They're  
11   still eating them, they're still landing them, because they  
12   don't know, technically, I guess, that it's prohibited.

13              Technically, an exploratory quota or experimental  
14   quota should have been set on that, because we don't catch  
15   many here in Florida -- or down in Florida, just in South  
16   Florida.   Most of them's in state waters, where we don't  
17   commercial fish, or over in Bahamas.   So it would probably  
18   behoove those gentlemen down there, or fishermen down there,  
19   to have an access to that particular species of shark, which  
20   is now prohibited.   Because otherwise we'll have a federal  
21   case made against them one day.

22              A PARTICIPANT:   God, I hate to keep -- I mean, but

1     Ellen, it seems to me there's another side to that coin.  If  
2     what Nelson says is true, these fishermen right now can go  
3     out and catch a blue marlin and bring it in and eat it; as  
4     long as they don't sell it, it's perfectly legal.

5             A PARTICIPANT:  (Inaudible.)

6             A PARTICIPANT:  No?  Did I get you wrong?

7             MR. BEIDEMAN:  I said that they're sneaking in  
8     their marlins, and that's common, you know, down there.

9             A PARTICIPANT:  No, but is it legal for them to  
10    bring a marlin in, if they don't sell it?

11            MR. BEIDEMAN:  No, it is not legal.

12            MS. PEEL:  Are the exempt?  Chris, they aren't  
13    exempt?

14            MR. ROGERS:  They're not exempt.

15            MS. PEEL:  Right, so it would count against the 250  
16    cap if it were so reported.

17            A PARTICIPANT:  It would count?

18            MR. ROGERS:  (Inaudible.)

19            MS. PEEL:  Yes, they're not exempt.

20            A PARTICIPANT:  Well, that's what I'm worried  
21    about.

22            MS. PEEL:  Yes, right, it would count.

1           A PARTICIPANT: If they are unpermitted and they're  
2 landing marlins, it would count against us; maybe we better  
3 permit them and tell them it's absolutely illegal to land  
4 them -- to possess or land a marlin.

5           MS. PEEL: Well, they may just want to go out and  
6 recreational fish and bring one home and smoke it, you know.  
7 It's still going to count.

8           MR. BEIDEMAN: If a recreational HMS permit, you  
9 know, is put through, then they would get permitted under  
10 that. Their gripe seems to be to break into the commercial  
11 swordfish and shark fisheries; with the artisanal situation  
12 they're describing, I don't know why they were trying to  
13 break in. Were they trying to create a new fishery? I mean,  
14 I just don't know.

15           And I was completely blind sided by this, and I  
16 mean to tell you, I spent quite a bit of time talking with  
17 Bob and explaining things to Bob.

18           (Interruption to tape.)

19           MR. BEIDEMAN: What would be wrong with them  
20 reopening the shark limited access and swordfish limited  
21 access programs? A lot. And the precedent it would set for  
22 all limited access fisheries I think would be a problem for

1 the agency.

2 (End side A, tape 6.)

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